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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Elizabeth Nelson
PO Box 1422
WARREN MI 48090

Case No. 2:22-cv-10918

Plaintiffs(s)
-vs-

Judge: MATTHEW LEITMAN

Magistrate: Anthony P. Patti

SERVICE TOWING Inc et al.,

FILED USDC - CLRK DET
2022 NOV 14 PM3:51

Defendants

RECD USDC - CLRK DET
2022 NOV 14 PM3:51
**

RESPONSE TO MOTION TO DISMISS #38 and/or
MOTION FOR SUMMARY JUDGMENT

Now comes the plaintiff ELIZABETH NELSON=P and move for summary
judgment &/or responds to MOTION TO DISMISS #38.

(Ds) DWYER, Commissioner of the Warren Police Dept., Michaels,
Reichling, Fouts, Gauss , filed a Motion to Dismiss Doc 38. This is (P)'s response.

Per Ex 18, police dept-city Warren website "Police Department (D) Dwyer was
re-appointed Commissioner Warren Police Dept...warren police department

mission statement “to serve... community and protect the lives, rights, and property of all..people of Warren with integrity, equality, and justice.”.

Per Facts Td 28 3rd Amended Complaint rewritten herein, policymaker D Dywer did not “protect .. lives, rights, ..property .. people of Warren w..integrity, equality, and justice”, & specifically (P)=Plaintiff=P.

P decided to protect her interest in 4 cars towed before sold thru falsified paperwork as “abandoned” by Ds exited “self-isolation”, being “at risk” “people of Warren” travel from Cuyahoga County OH, a then low covid county-to Warren-then high Covid County Macomb 5/2/20, to retrieve 4 licensed, plated, insured vehicles towed from behind privacy fence, built with warren bldg dept permit-during Covid lockdown. Cars towed because “policymaker” Ds’ Dwyer, Fouts, City attorney Michaels-Van Dyke substation commander Capt Reichling, Warren Property & Maintenance employee Gauss wrote ticket on property 5/1/20 Ex G p1-2 Td39. This violated P’s rights under US Constitution, 4,5,14th Amendment. Rather than “protect the lives”, of P Warren Citizen, P was exposure to Covid rate 7x Ex5 p 1-2 higher rate Macomb County, 16X Death Rate comparing Cuyahoga County OH, Ex 8 vs Macomb County Ex 9- & exponentially more risk of death/exposure,-since P “self-isolating” in Cleveland OH, then 52 yr old Warren citizen was “told E Mich University Dr Td39, Ex K p2 Ex 4 with P-original signature. P moves to have original signature Ex 4 apply to Td 39-Ex K Aff’t.

Policymaker Ds failed to control city workers Ds' that they: Falsify address 4 vehicles towed from. Refused P to file a police report as to towing of her 4 vehicles and falsification of address on paperwork. P alleges "custom and policy" perpetrated by (Ds') Dwyer, Fouts, Michaels policymakers. *Monell v. Department of Social Services of the City of New York, infra* which created.. for civil rights P to seek money damages against a city. *Pembaur v City of Cincinnati, infra* "Monell.. recovery.. municipality is limited to acts.. 'municipality'-that is, acts which the municipality has officially sanctioned or ordered.'....". "1st P alleges (D Warren) has an unconstitutional policy. These policies may written or unwritten, so long as .. attributed to a "policymaker." Warren has an unconstitutional policy" &/or towing cars for "blight" entering private property without search warrant "policymakers.. elected officials (Ds Fouts, Dwyer, Michaels) or those defined as policymakers by state law (Ds Dwyer, Fouts, Michaels). This.. also provides a standard of causation: if a subordinate employee is the party responsible.. deprivation of rights, the local entity may only be responsible if a certain policy was a "moving force" behind their action. This but-for standard .. 2nd a local entity may be liable .. § 1983 for unconstitutional customs and practices.. .. advantageous to a civil rights plaintiff when no policymaker can be identified. ... 3) if a policymaker delegates his or her authority to a subordinate employee or explicitly approves of unconstitutional actions,.. act can be said to be "of the municipality"

by adoption. 4) civil rights plaintiff may allege deliberate indifference. . . applies to single-incident-type injustices and concerns the city or county's failure to hire, train, or supervise its employees. Deliberate indifference liability attaches when policymakers of ..local entity are aware .. risk and grossly neglect to address it. Blatant unconstitutional policies are (not) authorized by city councils.. admissible evidence proving policymaker authorization or adoption of a subordinate employee's unconstitutional action is often non-existent". Ds Dwyer, Fouts,

Michael's alleges was a final policymaker) acted under color of state law; 2. acts of (Ds) Dwyer, Fouts, Michael's ~~final policymaker~~ deprived P of rights under United States Constitution. (D) Dwyer, Fouts, Michael's, ~~final policymaker~~ had final authority from D City Warren concerning these acts. When Ds' Dwyer, Fouts, Michael's, ~~final policymaker~~ engaged in these acts, (Gauss, Reichling) was acting as a final policymaker for D City Warren and acts (Ds) Dwyer, Fouts, Michael's, ~~final policymaker~~ caused the deprivation of the plaintiff's rights; that is, the (Ds) Dwyer, Fouts, Michael's ~~final policymaker~~'s acts were so closely related deprivation of P's rights as to, moving force that caused ultimate injury. Person acts "under color of state law" when person acts or purports to act in performance of official duties under any state, county, or municipal law, ordinance or regulation. Municipal liability is based on the acts of a final policymaker. For other bases of Municipal liability, Unlawful Official Policy, Practice, or Custom. Based

on a Policy that Fails to Prevent Violations of Law or a Policy of Failure to Train. *Monell v. Dept. of Soc. Servs. of N.Y.*, 436 U.S. 658, 691. Such liability attach when official or employee who caused a constitutional violation was acting as “final policymaker.” *Id.* at 674, 382 F.3d 978, 981. “To hold a local governing body liable for an official’s conduct, a plaintiff must first show ... (1) had final policymaking authority concerning ... action ... and (2) was the policymaker for the local governing body for purposes of particular act.” Whether an official is a policymaker for *Monell* purposes is a question of state law for the court.” *City of St. Paul v. Plattegrond*, 485 U.S. 112, 123 (“determination is made on a function-by-function approach analyzed under state organizational structure ... A “policy” is a deliberate choice to follow a course of action made from among various alternatives by “official responsible for establishing final policy” P seeking to establish municipal liability under this theory... demonstrate that an action of final policymaker “was the “moving force” behind the constitutional violation. P suffered.” “To meet this requirement, P “show both causation-in-fact & proximate causation.” *Id.* A municipality may be liable for the acts of a final policymaker if these acts caused a constitutional violation, even if the constitutional violation occurs only once. *Pembury City of Cincinnati*, 475 U.S. 409, 478 municipality is also liable if a policymaking official fully delegates discretionary authority to a subordinate, and subordinate uses that discretion.” *City of St. Paul v. Official*.

may be found to have been delegated final policymaking authority when the official's discretionary decision is unconstrained by policies not of that official's making and unreviewable by the municipality's authorized policymakers." See Ex 15 10/12/22 Detroit Free Press "This video is sickening, ...Detroit teen punched, kicked by Warren Police" Warren Police kick black youth. (Ds') Dwyer, Fouts, Michaels condones this illegal behavior, &/or § 1983 for unconstitutional customs and practices. warren police chief D Dwyer mission statement Ex 18 p 3/8: "Professional .. members..Department will conduct themselves in a manner that is consistent with professional standards for performance, .. standards ..adherence to our mission (4/8) and other core values. We perform our roles ethically .. integrity as we represent Warren Police Department, ." (Ds) Dwyer, Fouts, Michaels, Reichling, Gauss involved in (P) facts does not comply w Warren police dept mission statement. P avers (Ds) Dwyer, Fouts, puts same on paper, but "custom and policy" does not train officers to adhere to Mission Statement.

(Ds) Dwyer, Fouts, Michaels, Gauss, Reichling, allege a 1st time defense of "blight" abandoning "MI Abandoned Vehicle defense" "Warren City Ordinance Sec. 2.5-7 (Ord. No. 80-731, Sec 1, 8-11-15)" Doc 41 filed 10/10/22 @ pg. 4, Codes not annexed Td38 Motion to Dismiss or any Ticket with P.name on. "The purpose .. ensure compliance Warren Code of Ordinances designated as blight violations. "previous enforcement mechanisms were not ensuring blight

violation code compliance”, hence “Sec 2.5-7 Ord. No. 80-731, ..read *in para materia* with the previous Ord. 8-11-15 Sec. 2.5-2. - Definitions. *Blight violation*. A violation of a provision of the Code of Ordinances, including appendices, which is designated as a blight violation.”

P states unconstitutional-since “blight” is never defined so as a person would understand “blight” under “void for vagueness” doctrine. Or absent a definition, common meaning “blight” must be accepted. “The void-for-vagueness doctrine ..uncertain laws, whether criminal or civil, violate due process and cannot be enforced. .. based on individual rights and one based on constitutional structure” “Definition. ..criminal law, a declaration ..law is invalid because it is not .. clear. Laws are .. found void for vagueness if, .. punishment, law does not specify what is required or what conduct is punishable” “Vague laws raise problems with due process”. Connally v. General Construction Co. [1923] 8 AS 182 law is unconstitutionally vague when people “of common intelligence must guess at its meaning.” .. unduly vague it raises problems under Due process guarantee, ..applicable to federal government 5..14th Amendment”. Definition “blight” is a violation of criminal statute, .. “up to 93 days”. 2nd-if statute not define a word, “blight” everyday meaning must be used. “Words .. everyday meanings” Canons Construction Galia Gardner. 3rd, criminal statute, “rule of lenity” applies

“principle of criminal statutory interpretation .. requires a court to apply any unclear .. law in the manner that is most favorable.. defendant.” In re “blight” definition to not include licensed, plated, insured vehicles. *Fouts* *EN*
Holloway v. United States, 526 U.S. 1, 21 Statute cited Ds’ Dwyer, thru his policy making authority as Police Commissioner Td39 ExQ-previous Warren police Commissioner Nichols contract p 5 “Police Commissioner ..head of Police Dept, shall organize and conduct the affairs ..dept for the preservation of quiet and good order of the city and the safety of persons and property therein..it is the policy..” i.e. D Dwyer “policymaker”- nowhere allow D Reichling, Gauss enter private property to remedy “undefined” “blight” violation-which under their definition includes licensed, plated, insured vehicles during Covid lockdown. “If the alleged violator was served proper notice” (P) never served Notice infraction, being renter 7568 Hudson -any notice US Constitutionally defective under 4, 5,14th Amendments not include P name owner 4 cars 5/1/20. Ex A, Td 39 drivers license listing 7568 Hudson Warren, Td 39 Ex C lease. Ex4 Aftt P Ex K p 1-2 Doc 39 WHO (World Health Organization) declared covid a Worldwide Pandemic 2/20 Ex 1 Ds’ Michaels, Dwyer, Reichling, Fouts, Gauss, did not delineate this -as cars could have belonged to multiple parties not listed in any alleged ticket in violation of Supremacy Cl United

States Constitution: A

Article 1, Section 27. No person shall be deprived of his or her property without due process of law.

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“bright means areas .. with obsolete or inadequate infrastructure, ..building structures are dilapidated”. As a matter of fact/law, cars do not meet the or blight Ex definition of “abandoned vehicles”,.. misdemeanor (90) days. Ex 23 (D)..

Fouts prepares for influenza..covid, dated 2/26/20, 10 days before any alleged hearing. Pg 3,“Our residents can feel at ease knowing that their health and well-being is now and always will be my number one priority.

my administration, beginning with Police Commissioner (D) Bill Dwyer..

Fouts Ex are working to ensure your safety..”. (D) Dwyer (D) Warren police

officers Reichling: are not “D Dwyer..working to ensure your safety..”, Ex

23, pg 3, (D) Mayor Fouts Press Statement 2/26/20. P was exposed a

minimum 7X increased Covid exposure rate, 16x more likely to die as

calculated infra: New York Times data collected from state Health and

County Health Departments. Per Ex 5 “May 2, 2020” when (P) left

Cuyahoga County, OH, New York Times Tracking Coronavirus “Daily

Average 63..” cases, of COVID 19. Per Ex 5 Ex pg 5 pg 2, “May 2, 20, “Daily

average (deaths) 3.4 New Deaths 0", Cuyahoga County, Oh. Per Ex 12, Cuyahoga County Pop. 1.241 million 2020. Per Ex 11, Macomb County Population 870,893 2020, Ex 6 Macomb County "May 2, 20: "Daily Average 77" *Covid cases*. Hence, Macomb, with 1/3 less population-had+14 new Covid cases day 5/2/20 than Cuyahoga County. Per Ex 5 pg. 2, "May 2, 20 Daily Average 3.4 New deaths 0" Cuyahoga County. Per Ex 9 "May 2, 20 Daily Average 16 New deaths 11" Macomb County, showing increased risk (P)16X Death Rate-adjusted 30% more population. P was "self-isolating" Cleveland having to exit single family home creating infinite increase in Covid exposure. Ds' Dwyer, Fouts, Michaels, Captain Reichling, Gauss should have as MI abandoned statute reads, ran plates, vin, and determined owner 52 yr old (P) "at risk" individual as defined by covid emergency orders, Ex 25 4/2020 Dept of Human Services guidelines, and if they did not "egg shell" theory tort law applies:"

Torts. Under eggshell-skull rule,..defendant is liable for all injuries caused by his tortious conduct, even if the plaintiff suffers an unusually high level of damage (e.g., due to a pre-existing vulnerability). The rule is supported by the axiom that "a defendant must take a plaintiff as he finds him."

Vosburg v. Putney, 80 Wis. 523 .. seminal case on the eggshell-skull rule. Prosser, Handbook Law of Torts § 43, at 261 Restatement 3d of Torts:

Liability for Physical and Emotional Harm, § 31, Ex 25 4/20 Dept Health Human Serv “staying at home during coronavirus crisis ‘to avoid being exposed to the coronavirus, it is important for everyone to stay at home during the coronavirus crisis.. immune systems weaken with age, making it harder to fight off infectious diseases. Cancer treatment (which P had Beaumont Grosse Point) … weaken the immune system can also make it harder for the body to fight off the virus..stay home”. Ex 26 (D) Fouts covid “The health and safety of residence is our priority..”. Yet (Ds) Fouts, Dwyer, Michaels policy-makers actions “health and safety of residence” did not apply to (P). (D) employees, police (Ds) Gauss, Michaels, Reichling, were out towing cars off private property, via (Ds) Dwyer, Fouts, Michaels, via their policy. Td 39 ExL) Affidavit landlord, tenant para 7-8 said Warren police were involved in the 5/1/20 4 car towing, 2nd towing 7/7/21 towing (P) Honda-affiant witnessing. Td39 Ex P pic of markings on Honda “WPD”=Warren Police Dept. 1st towing 5/1/20- 4 vehicles, as alleged “abandoned”, per (D) defense to court, 2nd towing as “blight”, 7/7/21. See Ex Z Governor Whitmer orders Td39, Ex 3 2020 in effect 1st towing 5/1/20 Temporary requirement to suspend activities that are not necessary to sustain or protect life Covid.. *can result in serious illness or death.. Older adults and .. chronic health conditions are at particular risk, and there is an*

increased risk of rapid spread of covid.. close proximity to one another”

Td39 Ex Y “willful violation of this order is a misdemeanor” Ds Fouts, Dwyer, Michaels, Reichling, Gauss were in violation gov emergency orders Td39 ExZ. D mayor Fouts orders Td39 ExY adopting gov orders. (P) Mi resident 7568 Hudson Ave Warren Mi, Td39 Ex A, Driver’s License Td39 Ex C Lease-P lease residence (home=4th Amendment) includes adjacent lot 7560 Hudson fenced Td39Ex D-pic fence, Doc 39 Ex B p1-2 conveyance.. 7560 Hudson PID #13-333-278-008. Td39 Ex D, ExA Td1, pic sent to D Michaels “uploaded .. May 01, 2020, 10.05 AM” cars-Sentra, Mazda B4 towing. Other 2 vehicles not pic on adjacent lot. Td39 Ex E p 1-2-title Mazda, Mazda Ex 2 Pic. Td39 ExF “Evidence of Coverage Mi No Fault Insurance” 4 cars.

Td39 Ex G,-pic ticket wrote by D Gauss 5/1/20 7568 Hudson re tenant= eviction stayed because of Covid and “harboring in place” telling tenant to leave when Covid raging, proving D Gauss @ scene 5/1/20 when cars towed. P Honda was towed from behind, 7/7/21 damaging paint without notice or “opportunity to be heard”, violated 4, 14th Amendment US Constitution. Ex H Td39 article shows Mayor Fouts “personally involved”, See “promises kept” from Warren Website. *Chupa v Morceri, Fouts, et al.*, Case #2:06-cv-12584, complaint para 30. “Defendant Fouts’ action.. was wrongfully motivated by defendant Fouts’

desire to use municipal power to harass and injure plaintiffs”, showing Fouts “custom and policy”. (P) 7/7/21 car towed “operable” Td39 ExK Aftt P Ex 4 p1-2, Td39 ExJ-landlord afft contrary to court order tow “inoperable vehicles” entered after vehicle towed. Td39 Ex I: Pic Car Speedway after left D Service Towing Inc tow yard. Td39 Ex J court order dated 7/7/21 entered same day Honda towed, Td39 Ex J Aftt landlord para 3 “tow employees said ‘Honda cannot be towed without damaging it because it is at an angle behind the house (7568 Hudson”, then towed. Td39 Ex J Aftt affiant states “he was not in court 7/7/21”. P in hospital 7/7/21, Td39 Ex K Aftt-& attached Ex 4, cannot be deemed to have “constitutional notice” alleged order by court 7/7/21 entered same day as car towed. Ds where aware other tenants in property and did not ascertain who owned Honda before tow. Ds’ Michaels, [✓]Gass, Reichling, Dwyer did not give P “notice and an opportunity to be heard, .. right to procedural due process.” *Thompson v Ashe*, 250 F3d 399, 407 CA6 *Mullane v. Central Hanover Bank & Trust Co.*, 339 US 306 “Notice must be reasonably calculated...inform interested parties of a pending action ...opportunity to respond” Ds’ Gauss, Michaels, Reichling, Dwyer, Fouts, Doe police to go tow cars off private property, 5/1/20, when covid raging, state, city under emergency orders “stay at home” Gov Emergency Orders Ex 3 pg 1-3, Ex Z Td39 Ex 30 p 1-8 D Fouts 2/26/2020 Emergency Orders

Warren Courts open, and “custom and policy” in Warren is to write a ticket on the vehicle or any alleged infraction, and then a court date is set. D Fouts Facebook (FB) pg inciting Ds’, to attack “blight”. Ex H p 1-2 Td39 D Fouts FB “personally involved, personally liable” as policymaker “ city of warren - State of the City .. June 24th, I promised ..Warren landlords ..tickets for *blighted* homes .. violations International Property Maintenance Code and a Td39 Ex J *NILI v City of Warren*, 2015 ED MI Court opined International Property Maintenance Code was illegally applied by City of Warren, (D) Fouts (D) City Council-for failing to have an appeal process among other things. This is 7/7/21 towing of P 2008 Honda without NOTICE, when P in Macomb Ascension hospital. FB post states “blighted homes”. Td39 ExP windshield P towed Honda 7/7/21, “blight”, WPD=Warren Police Dept including D Dwyer-policymaker. Td39 Ex Q standard Warren Police Commissioner contract gives (D) Dwyer “policymaking” authority over Warren Police Dept. oxford definition of blight: “vacant properties are a blight on neighborhood” P Honda does not fit definition “blight”, windshield. Td39 Ex P, Ex2 pic 2012 Mazda towed. Td39 Ex K-Ex 4 hereto Aff’t P avers facts are true under oath. Cars towed by Ds’ Service Towing Inc, et al no “probable cause” per 4th Amendment US Constitution, no search warrant: “right of people to be secure .. persons, houses, papers, and effects, against unreasonable searches..seizures, shall not be violated, .. no warrants shall issue, but upon probable cause” Td39 Ex A

Driver's License, Ex C, lease, P home. No "procedural due process" as to "notice and an opportunity to be heard" in re taking vehicles 4,14th Amendment of US Constitution City Warren thru policymakers Ds' Fouts, Dwyer, Michaels, employee Gauss knew or should have known had they been properly trained "lack of training" towed vehicles was in violation of US Constitution 4,5,14 Amendment 5/1/20, Ds 'Gauss, Reichling, entered property 7568 Hudson Ave & adjacent lot (7560 Hudson Ave) owned by the same entity combined into 1 lot and towed 4 vehicles after entering property, para 1, D Gauss wrote ticket tenant to leave property for occupying a posted vacant structure. this shows D Gauss were aware tenants were in property Td39 Ex G pg 1-2. P owned cars, a renter lease agreement =home Td39 ExC lease, ExA, ExD insurance papers Td39 Ex E p1-2 Title Mazda, Ex 2 Pic Mazda, Ex 17, SAFEAIRBAG.COM, "our records, you have 3 registered vehicles linked to your address.. 7568 Hudson Ave" Federal Dept Transportation, knows (P)'s address "airbag safety recall". Td1 Ex A pic 5/1/20=2 vehicles parked @ 7568 Hudson Warren B4 towing D Michaels was contacted per "custom & policy"-shown pic Td1 Ex 1 & said "tow off private property, see bottom of Td1 Ex A, 5/1/20 10.05 AM. D Reichling assisted with towing-or sent warren police doe officers to location, thru "custom and policy" of D Dwyer. US constitution does not allow city of warren Gauss, Reichling to enter private property to inspect vehicles VIN or tow vehicles or to call, conspire with (d) service towing inc, et al

Ds & tow vehicles off private property without court order or take personal property. Gov Ex 3 pg 1-4 , D Fouts, Ex 30 pg 1-8 issued emergency orders covid pandemic. Gov “emergency orders” did not suspend US Constitution. Td39 ExV: City of Warren received 3.5 % of its budget from forfeiture. Ds, Reichling, Gauss should have reviewed falsification 5/1/20 when vehicles towed and reviewed paperwork and should've informed ~~Gauss~~^{EN}, Michaels after running VIN #'s 4 vehicles were properly titled, plated-Ex D: Td1 Registration Silverado, Ex E Td1 owner P. §1983 for unconstitutional customs & practices. D Reichling doing statutory duty running vin #'s before towing would show owner P 52 yr old woman considered “at risk” during covid-gov emergency order. Per Ex B Td 1 petition for hearing on abandoned vehicle p. 2 MCL 257.252 “Before determining ..vehicle... is abandoned, police check to see if it is reported as stolen”. Ex B Td1 “Complaint Number 20-18750” yet still allowed 4 cars towed either by “failure to train” or entering conspiracy private tow parties Ds’, or ‘deliberate indifference’. P has US Constitutional right due process cl 5, 14th Amendment file police report since physical paperwork shown Doe Warren police officer, Reichling, address falsified to fit statutory definition abandoned vehicle Mi law. Doe officer was going to file police report but overridden officer 2. This “failure to report a crime” 5/1/20 when initial cars were towed and again on or about 7/21 attempt to file police report. D Gauss Td39 Ex G pg 1-2, ticketed tenant 7568 Hudson 5/1/20

“illegal occupation” of structure, when gov, D Fouts stayed evictions, exposing failure to train actions by Ds’, deliberate indifference by policymakers Ds Fouts, Michaels, Dwyer. P avers Petition for hearing on abandoned vehicle Td1 ExB is *void ab initio* since caused to issue via falsified paperwork, falsified address 257.252a *abandoned vehicle*” means ..*vehicle .. private property without consent owner. (b).. public property ..48 hours, or on a state trunk line highway*” Discovery needed to ascertain if D Reichling 5/1/20 ran Vin #'s determined P owner following law Td 1 Ex D, E Registration had he been properly trained & not towed cars City of warren website “health and safety of our residents is our priority. it is of utmost importance .. residents informed ..unprecedented times” city of warren covid” approved by (D) mayor Fouts”. Actions of Ds’ P life was endangered by state actors creating a situation where P had to decide to recover \$30G cars-or travel from low covid risk county OH to high covid risk county MI to retrieve P cars-enter Service Towing Inc., exposing P to covid Ex 30 D Fouts 2/26/2020 orders name D “Dwyer” conferring w/ D Fouts re covid. Ds’ Service Towing Inc, et al., had 6 in x 4 inch sign on window “1 person in office” but Ds Service Towing Inc employees not enforcing sign allowing anyone enter 7’x7’ waiting room. When helper retrieve vehicles 2 people in office, exposing P to higher incident covid in process. I.e., had helper contacted covid in waiting room would’ve exposed P. D Fouts is “personally liable”, “personally involved” in

decisions running City of Warren. 6/21 Fouts state of city address Td39 Ex F, “get absentee out of state landlords”, Td39 Ex G newspaper landlord “arrested” after D Fouts said “target out of state landlords” 7/7/21 P Honda towed parked behind 7568 Hudson. Ds’ violated P’s 42 USC§ 1983, 1985-4,5,14 amendment violation US Constitution to be free of unconstitutional search & seizure 5/1/20, 7/7/21. Ds all times relevant to action acting under color of state law. Ds Reichling, Gauss via custom and policy acting thru policymaker Fouts, Dwyer, Michaels made an unreasonable & warrantless seizure of P property, tow 4 vehicles, violating 4,14th Amendment US Constitution. At all times Ds’ Dwyer, Michaels, Fouts acted pursuant to “policy or custom” in depriving P of 4 cars 5/1/20, 7/7/21 personal property without court order or opportunity be heard, acting in individual capacities in conspiracy &/or concert with private parties. D city of warren failed to adopt clear policies, failed to properly train its employees Ds Gauss, police Reichling removing vehicles from private property during covid emergency.

Ds’ taking P vehicles caused P “at risk person” leave low covid Cuyahoga County OH to come to high Covid county Macomb MI, exit “self isolation” 7x+ covid exposure rate, 16x+ covid death rate, retrieve cars endangered P’s life violates 42 USC Sec 1983, 1985,1988 in violation gov emergency orders, D Fouts emergency orders “P can ..invoke federal court jurisdiction.. suffered .. *threatened* or actual injury resulting from .. putatively illegal action.” *Linda RS v*

Richard D, 410 US 614, 617, Fouts, Dwyer, Michaels, Gauss, Reichling ignored Gov emergency covid orders towing “threatened ..injury resulting from putatively illegal action” *Linda RS id.*, violated P due process, 4,5,14th Amendment US Constitution. Ds’ violated P US Constitutional rights Due Process Cl 4, 5, 14th Amendment when address falsified on paperwork submitted Mi Sec State give Ds’ alleged authority tow vehicles 5/1/20, & failed to allow P to file police report. P ask for order Ds’ policymakers Fouts, Dwyer, Michaels violated P US Constitutional rights Due Process Cl 4,5,14th Amendment ensures no party will be deprived of property without notice and an opportunity to be heard” *Fuentes v Shevin*, 407 US 67, 80, protection of property ..extended to “any significant property interest”, “uninterrupted use of one's vehicle.. property interest, .. before ‘local government may so interrupt its use, owner is entitled to due process’ *Bell v Burson*, 402 US 535, 539. P states 4 vehicles towed off private property registered, titled, plates, insured without notice, courts open without court order is an improper seizure prohibited by 4th Amendment.. include protection of privacy against arbitrary invasion *US v Ortiz*, 422 U.S. 891, “*Jacobsen*, 4th Amendment protects 2 types of expectations, involving ‘searches,’ .. other ‘seizures.’ A ‘search’ occurs.. expectation of privacy .. society.. is infringed.. ‘seizure’ of property occurs ..interference ..individual's possessory interests” 4,14 Amendments Due process cl

§ 1983 for unconstitutional customs and practices. P avers “outrageous conduct” in concert &/or conspiracy with Gauss, Reichling, Dwyer, Michaels, city warren. Per complaint facts Ds’ violated Ps Constitutional rights US Constitution, 5, 14th amendment, Due Process Cl 42 USC 1983, 1985, 1988. “42 USC 1983 imposes civil liability ..person acting under color of state law who deprives another.. rights, constitution” *Kallstrom v Columbus*, 136 F3d 1055, 1060 6CA “state ..not..greatly increase..risk of harm .. citizens without due process of law through its own affirmative acts” *id* 1066. P claims Ds’ Gauss, Dwyer, Fouts, Reichling, Michaels, Warren actions were liable for (P) increased “state created danger” theory of liability. “liability under state-created-danger theory ..affirmative acts by state which either create or increase ..risk ..individual will be exposed to private acts of danger” *id*. “to bring a ‘state created danger’ claim,..show:‘an affirmative act by state.. either created or increased risk (P) would be exposed to an act.. (2) a special danger to (P) wherein state’s actions placed (P).. at risk, .. affects..public at large; 3) state knew or should have known..actions .. endangered (P)” *Jones v Reynolds*, 438 F3d 685, 690 6CA *Harlow*, 457 US @ 818). *Kallstrom*, “an individual’s ‘interest in preserving her life .. constitutional dimension.’” *Id* 1063 Ex3 gov emergency orders, covid, Ds’ Michaels, Fouts, Dwyer, Reichling knew or should have known towing 4 vehicles cause P exit self-isolation, violate Ds’ Fouts, Gov “emergency orders” to retrieve cars or lose exposing P to “state created danger”,

“1) affirmative act by state (employees) .. either created or increased risk (P) would be exposed 2)..special danger to (P)..state’s action placed (P).. at risk”, *Cartwright v City of Marine City*, 336 F3d 487, 493 CA6. Ds’ were aware of Covid, 5/1/20, Ds’ Fouts entering “emergency orders”, Ex 23 Fouts 2/26/20 Press Release re covid. D “Dwyer” gov orders “self-isolation” cause P exit self-isolation, retrieve cars. Ds’ policymakers Michaels, Dwyer, Fouts, failure to train Reichling, Gauss. . Per Ex 5 “May 2, 2020” when (P) left Cuyahoga County, OH, New York Times Tracking Coronavirus “Daily Average 63..” cases, of COVID 19. Per Ex 5 pg 5 pg 2, “May 2, 20, “Daily average (deaths) 3.4 New Deaths 0”, Cuyahoga County. Ex12, Cuyahoga County Pop. 1.241 million 2020. Ex 11, Macomb County Pop 870,893 2020, Ex 6 Macomb County “May 2, 20: “Daily Average 77” Covid cases. Hence, Macomb, with 1/3 less population-had+14 new Covid cases day 5/2/20 than Cuyahoga County. Per Ex 5 pg. 2, “May 2,20 Daily Average 3.4 New deaths 0” Cuyahoga County. Per Ex 9“May 2,20 Daily Average 16 New deaths 11” Macomb County, showing increased risk (P)16x+Death Rate-adjusted 30% more population. P was “self-isolating” Cleveland. Ex 22 Cuyahoga County Exec Budish, “Summer 2020..Covid..Cris is ..worst crisis we have lived through..”. Ds’ endangering P life thru their actions, “§1983 for unconstitutional customs and practices”. See D Fouts 2/26/20 Press Release Ex 23, “We have implemented a public health management decision making training for

all Police...Covid (p3) Our residents can feel ease knowing that their health and well being ...will be my number-one priority...beginning with Police Commissioner ..Dwyer.. ensure your safety". & or § 1983 for unconstitutional customs and practices of Ds' policymakers Fours, Dwyer. See Td39 Ex Q p3 See 7.3 Duties of the Mayor D Fours, "enforcement of ordinances ...of the council."

Per facts Ds violated P US Constitutional rights Due Process 5,14 amendments to make police report if laws broken. 7/21 P attempted make police report @ station D Reichling concerning “falsification” address 4 vehicles were towed. Police officer Doe Complaint #20-18750 Td1 Ex B Pet for Hrg. This “failure to report a crime” 5/1/20 cars towed & 7/21 attempt file police report violated P Constitutional Due Process to “procedural due process” right “report a crime”, file a complaint. Gov Covid Order 4/30/20 “spread.. virus is for people to stay home and keep their distance from others.. hold on evictions” Gauss Ex G Td39 ticket tenant 7568 Hudson - in violation of gov orders- tenant eviction Td39 ExU, annexed hereto Tsp Ex19#206101LT stayed 3/20 pandemic emergency orders Td39, Ex Z gov emergency order No. 2020-70 in effect when cars towed 5/1/20. Did falsifying address Td1 Ex B,C, Td39 ExW rise to Due Process violation 5, 14th Amendment US Constitution. Falsification is imputed to Ds’ Dwyer, Fouts, Michaels via lack of training, custom and policy, deliberate indifference. §1983 for unconstitutional customs & practices. ExA Td 39 P address license 7568 Hudson

Warren =address 4 cars towed & address Sec of State cars registered ExB,C,D Td1,ExE p1-2, ExWp1-3. Per Aff't P Ex 4 pg 1-2, Td39 Ex K pg 1-2, did P have Due Process, right to file a police report 7/21 re falsification of address, *Monroe v Pape*, 365 US 167, 174-76 Supreme Court held .. non-state actors can, ...engage in conduct under "color of State law," ..subject to liability under..1983 where they "act jointly" or conspire with state government officials. *Brentwood Acad. v Tenn Secondary Sc. Ath Ass'n*, 531 US 288, 296 "finding liability..criminal law 1983, acting in "conspiracy", "jointly". At all times policymakers Ds Fouts, Michaels, Warren, Dwyer, acted pursued policies, practices, deliberate indifference ..direct and cause of unconstitutional violations. Policies include, Dwyer, Fouts, Michaels failure to supervise, Ds Reichling, Gauss. Ds' Fouts, Michaels, Dwyer have policy making authority Warren #2:21-cv-10446-DPH-APP ECF No. 1, PageID.18 Filed 2/26/21 p 18/26 Warren to implement proper training for Warren police officers, city workers. Warren historically failed to train *Moldowan v Warren*, 157 F3d, 351, 393-394 6CA Warren imputed to policymakers Ds' Dwyer, Michaels, Fouts, *Monell v Dept of Soc. Servs of NY* 436 US 658, 691 "liability attach when official .. caused a constitutional violation acting as "final policymaker", i.e. policymakers Dwyer, Michaels, Fouts directing grills be seized, tow cars via policy by D Gauss, Reichling, P grills taken 5/4/20, 7/7/21, Td39 Ex DD, Warren Weekly 4/21, grills legal in Warren, contrary D Fouts wishes D Gauss, continue to seize grills, in

Violation of 4.21 Warren Ordinance passed by Warren City council. & or § 1983
for unconstitutional customs and practices of Ds'

Respectfully submitted,


Elizabeth Nelson pro se

CERTIFICATE OF SERVICE

A copy of this motion has been served on all counsel for defendant's 1st class mail with tracking this 11/10/2022 to:

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• February 18, 2020

Due to the high case load and numbers of asymptomatic individuals testing positive for COVID-19, all passengers and crew of the Diamond Princess cruise ship are quarantined off the coast of Japan, placed under travel restrictions, and are prevented from returning to the U.S. for at least 14 days after they have left the Diamond Princess.

• February 23, 2020

As Italy becomes a global COVID-19 hotspot, the Italian government issues Decree-Law No. 6, containing urgent measures to contain and manage the epidemiological emergency caused by COVID-19, effectively locking down the country.

• February 25, 2020

CDC's Dr. Nancy Messonnier, the incident manager for the COVID-19 response, holds a telebriefing and braces the nation to expect mitigation efforts to contain the SARS-CoV-2 virus in the U.S. that may include school closings, workplace shutdowns, and the canceling of large gatherings and public events, stating that the "disruption to everyday life may be severe."

• February 28, 2020

CDC reports four additional presumptive positive cases of COVID-19 in California, Oregon, and Washington: one case is likely travel-related, but three are likely due to community spread of the SARS-CoV-2 virus in the U.S.

• February 29, 2020

CDC updates its Criteria to Guide Evaluation and Testing of Patients Under Investigation (PUI) for COVID-19 to any patients with a severe respiratory illness even in the absence of travel history to affected areas or known exposure to another case to prepare for possible widespread person-to-person transmission.

FDA announces a "new policy...for certain laboratories that develop and begin to use validated COVID-19 diagnostics before FDA has completed review of their emergency use authorization (EUA) requests," allowing laboratories to create tests to address testing shortages in the U.S.

CDC and the Washington Department of Public Health report the first death in an individual with laboratory-confirmed COVID-19 in the U.S. The patient was a male in his 50s who was hospitalized with a pneumonia of unknown cause and later died of his illness.

• March 1, 2020

CDC creates a hospitalization surveillance network for the SARS-CoV-2 virus called "COVID-NET" to track the numbers and rates of COVID-19 hospitalizations by modifying existing respiratory virus surveillance networks that monitor for hospitalizations associated with influenza and Respiratory Syncytial Virus (RSV).

Ex 1 pl

- ⌚ March 3, 2020
CDC reports 60 cases of COVID-19 across Arizona, California, Florida, Georgia, Illinois, Massachusetts, New Hampshire, New York, Oregon, Rhode Island, Washington, and Wisconsin. Of the 60 COVID-19 infections detected, 21 are travel-related, 11 are from person-to-person spread, and 27 are unknown.

- ⌚ March 6, 2020
The Grand Princess cruise ship is stranded off the California coast after officials learn that a California man who had traveled on the ship last month contracted COVID-19 and died. The California Air National Guard drops off a limited supply of testing kits by helicopter; more than 3,500 people are aboard the ship, but only 46 are able to be tested and 21 (mostly crew members) test positive.

- ⌚ March 11, 2020
After more than 118,000 cases in 114 countries and 4,291 deaths, the WHO declares COVID-19 a pandemic.

- ⌚ March 12, 2020
FDA no longer requires CDC to perform confirmatory testing for a positive COVID-19 diagnosis.

- ⌚ March 13, 2020
The Trump Administration declares a nationwide emergency and issues an additional travel ban on non-U.S. citizens traveling from 26 European countries due to COVID-19.

- ⌚ March 14, 2020
CDC issues a "no sail order" for all cruise ships— calling for them to cease activity in all waters that the U.S. holds jurisdiction over.

- ⌚ March 15, 2020
States begin to implement shutdowns in order to prevent the spread of COVID-19. The New York City public school system— the largest school system in the U.S., with 1.1 million students— shuts down, while Ohio calls for restaurants and bars to close.

- ⌚ March 16, 2020
CDC launches "Clara-Bot," a COVID-19 symptom checker, on its website.

New and old guidelines begin circulating among state health departments for who gets critical care in the event of ventilator shortages: Massachusetts and Pennsylvania use a point system prioritizing patients by likelihood of benefitting from ICU care, while New York's 2015 plan relies on "exclusion criteria"— a list of medical conditions that would make a patient ineligible, like traumatic brain injury, severe burns, or cardiac arrest. Alabama's exclusion criteria list, released in 2010 and since removed from publication, included both "severe or profound mental retardation" and "moderate to severe dementia."

Ex 1 p 2

⌚ March 17, 2020

Moderna Therapeutics begin the first human trials of a vaccine to protect against COVID-19 at a research facility in Seattle, Washington.

The University of Minnesota launches a clinical trial testing hydroxychloroquine, an FDA-approved drug for the prevention and treatment of malaria, for the treatment of COVID-19.

The Centers for Medicare & Medicaid (CMS) temporarily expands telehealth benefits, enabling beneficiaries to receive a wider range of healthcare services from their doctors without having to travel to a healthcare facility.

⌚ March 19, 2020

CDC asks healthy people to donate blood if they are able amid a national shortage of blood during the COVID-19 pandemic.

California governor Gavin Newsom issues a statewide stay-at-home order to slow the spread of COVID-19 instructing residents to only leave their homes when necessary and shutting down all but essential businesses.

⌚ March 27, 2020

The Trump Administration signs the Coronavirus Aid, Relief, and Economic Security (CARES) Act into law. The act includes funding for \$1,200 per adult (with expanded payments for families with children), expanded unemployment benefits, forgivable small business loans, loans to major industries and corporations, and expanded funding to state and local governments in response to the economic crisis caused by COVID-19.

Apple, in partnership with HHS, CDC, and the White House Coronavirus Task Force, releases an app with a COVID-19 symptom and exposure questionnaire telling people how to isolate and monitor symptoms and giving recommendations on testing and when to contact a medical provider if they believe they have contracted or have been exposed to the SARS-CoV-2 virus.

⌚ March 28, 2020

To prevent the spread of COVID-19, the White House extends all social distancing measures until through the end of April 2020.

FDA issues an EUA to allow hydroxychloroquine sulfate and chloroquine phosphate products to be added the Strategic National Stockpile for the treatment of COVID-19.

CDC distributes a Health Alert Network (HAN) warning against using chloroquine phosphate without the recommendation of a doctor or pharmacy after one person is made seriously ill and a second dies from ingesting non-pharmaceutical chloroquine phosphate (a chemical aquariums use that is commercially available for purchase at stores or online) to prevent or treat COVID-19.

CDC issues a domestic travel advisory for New York, New Jersey, and Connecticut due to high community transmission of COVID-19 in those states, urging residents to refrain from all non-essential domestic travel for at least 14 days, effective immediately.

Ex 1 p 3

⌚ March 31, 2020

At a White House Press Briefing, Dr. Anthony Fauci and Dr. Deborah Brix announce that between 100,000 and 240,000 deaths in the U.S. are expected— even if social distancing and public health measures are perfectly enacted.

The *Journal of the American Medical Association Ophthalmology* reports that COVID-19 can be transmitted through the eye. One of the first warnings of the emergence of the SARS-CoV-2 virus came late in 2019 from a Chinese ophthalmologist treating patients in Wuhan, Li Wenliang, MD, who died at age 34 from COVID-19.

⌚ April 3, 2020

At a White House press briefing, CDC announces new mask wearing guidelines and recommends that all people wear a mask when outside of the home.

CDC warns the public about phone scams and phishing attacks that appear to originate from CDC and ask for donations from individuals. This is government impersonation fraud— federal agencies do not request donations from the public.

⌚ April 4, 2020

CDC launches a new weekly SARS-CoV-2 virus surveillance report called “COVIDView” summarizing weekly data on COVID-19 hospitalizations, deaths, and testing.

More than 1 million cases of COVID-19 had been confirmed worldwide, a more than ten-fold increase in less than a month.

⌚ April 6, 2020

Hundreds of doctors and civil rights groups urge CDC and the U.S. government to release race and ethnicity data on COVID-19 case-numbers in order to reveal the true impact of the virus on communities of color.

⌚ April 7, 2020

Data from the Chicago Department of Public Health reported by the Chicago Tribune shows that despite being about 30% of the total population, Black people account for 68% of the COVID-19 related deaths in Chicago and are dying of COVID-19 at a rate nearly six-times greater than that of White Chicagoans, who account about 33% of the population and approximately 14% of deaths. These numbers illuminate for many the racial disparities of the COVID-19 pandemic in the U.S.

HHS announces \$186 million in additional funding to state and local jurisdictions for the COVID-19 response.

⌚ April 8, 2020

HHS announces first contract for ventilator production under the Defense Production Act with General Motors.

⌚ April 9, 2020

CDC modifies and extends the no sail order for all cruise ships.

Ex 194

• April 10, 2020

With over 18,600 confirmed deaths and more than 500,000 confirmed cases in under four months, the U.S. is the country with the most reported COVID-19 cases and deaths, surpassing Italy and Spain as a global hot-spot for the virus.

With 159,937 confirmed cases, New York State now has more reported cases of COVID-19 than Spain (153,000), Italy (143,000), or China (82,000). Amid critical hospital bed and ventilator shortages, aerial images emerge of workers in hazmat suits burying coffins in mass graves at Hart Island off the Bronx, an area used for over 150 years by New York City officials as a mass burial site for those with no next-of-kin or who cannot afford funerals.

• April 13, 2020

Most states in the U.S. report widespread cases of COVID-19.

At a White House press briefing, President Trump announces that the U.S. will cease contributing funding to the WHO, shaking the global public health community.

• April 16, 2020

The Trump Administration releases a plan outlining how states should reopen, calling for states or metropolitan areas to meet benchmarks like reducing COVID-19 cases or deaths before reopening or stopping mitigation strategies (like required masking), also known as "gating

• April 20, 2020

As the COVID-19 pandemic grows, shortages of personal protective equipment (PPE) like gowns, eye shields, masks, and even body bags, become dire- particularly in New York

• April 22, 2020

After two pet cats in separate areas of New York state test positive for the SARS-CoV-2 virus, CDC recommends that people restrict their pets' interactions with other people or animals outside their household to prevent the spread of COVID-19.

• April 23, 2020

Using funds from the Coronavirus Aid, Relief, and Economic Security (CARES) Act, CDC announces \$631 million to fund and expand the existing Epidemiology and Laboratory Capacity for Prevention and Control of Emerging Infectious Diseases (ELC), allowing state health departments to expand their capacity for the testing, contact tracing, and containment of COVID-19.

• April 24, 2020

Georgia, Alaska, and Oklahoma begin to partially reopen their states despite concerns from health experts saying it was too early to reopen.

Ex 1 p 5

⌚ April 26, 2020
Clinicians in the U.S. and U.K. report clusters of children and adolescents requiring admission to intensive care units (ICUs) with a multisystem inflammatory condition that can lead to multiorgan failure— similar to Kawasaki disease and toxic shock syndrome. This condition will become known as Multisystem Inflammatory Syndrome in Children (MIS-C), a serious inflammatory condition that affects children with current or recent COVID-19 infections.

⌚ April 28, 2020
Polls show that many people in the U.S., particularly those ages under 30 years or making less than \$40,000 per year, plan to defer medical care because of the cost of treatment due to the lack of insurance or being under-insured, potentially leading to the further spread of COVID-19, the under-reporting of case numbers, and excess deaths from COVID-19 and other preventable diseases.

⌚ April 30, 2020
The Trump Administration launches Operation Warp Speed, an initiative to produce a vaccine against the SARS-CoV-2 virus as quickly as possible. The operation funds the development of six promising vaccine candidates while they are still in the clinical trial phase, including the Pfizer-BioNTech and Moderna mRNA vaccines.

Since mid-March 2020, more than 26.5 million people in the U.S. have filed for unemployment, increasing the number of people without health insurance amid a pandemic.

Mid 2020

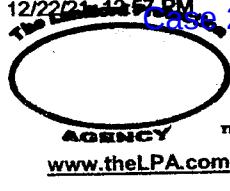
⌚ May 1, 2020
FDA issues an emergency use authorization (EUA) for the use of the antiviral drug Remdesivir for the treatment of suspected or confirmed COVID-19 in people who are hospitalized with severe disease.

CDC develops the "PPE Burn Rate Calculator," a spreadsheet-based model made to help healthcare facilities plan and optimize the use of personal protective equipment or PPE for the COVID-19 response and publishes it on the Apple and Android App stores.

CDC launches the SARS-CoV-2 Sequencing for Public Health Emergency Response, Epidemiology and Surveillance (SPHERES), a national network to provide real-time genomic sequencing data to public health response teams investigating COVID-19 cases, allowing them to track the SARS-CoV-2 virus as it evolves.

As some countries discuss re-opening, WHO convenes the International Health Regulation Emergency Committee for a third time and declares that the global COVID-19 pandemic remains a Public Health Emergency of International Concern (PHEIC).

Ex 1 p 6



RENTAL AGREEMENT

THIS IS A LEGALLY BINDING CONTRACT.
IF NOT UNDERSTOOD, CONSULT AN ATTORNEY.

AGENCY™
www.theLPA.com

The Tenant(s) known as Elizabeth Nelson, hereby agree to rent the dwelling located at

7568 Hudson Ave Lower Warren MI 48091

The premises are to be occupied by the above named tenants only. Tenant may not sublet premises.

TERM The term shall commence on 8-1-18, at \$ 600 per month payable on the 1st of each month in full.

LATE FEES In the event rent is not paid by the 5th day after due date, Tenant agrees to pay a late charge of \$ 10.

UTILITIES Tenant shall be responsible for the payment of the following utilities: water, electric, gas, heating fuel, Telephone.

APPLIANCES Appliances provided in this rental are: stove, refrigerator, dishwasher, washing machine, dryer, hair conditioner(s). Repairs will be borne by said Tenants if damage is due to negligence of Tenants.

SECURITY Amount of security deposit is \$ NA. Security shall be held by Landlord until the time said Tenants have vacated the premises and Landlord has inspected it for damages. Tenant shall not have the right to apply Security Deposit in payment of any rent. Security deposits must be raised proportionately with rent increases.

INSURANCE Tenant is responsible for liability/fire insurance coverage on premises. Tenant agrees to obtain a "Renter's Insurance" policy and to provide Owner or agent with a copy of policy within seven (7) days of lease execution.

NOTICES Should tenant decide to vacate the premises, a 10 day written notice to the landlord is required. Should landlord decide to have tenants vacated, a 10 day written notice is required. Tenant agrees to allow premises to be shown at any and all reasonable times for re-rental.

REAL ESTATE COMMISSION (If applicable) In the event a commission was earned by a real estate broker, Tenant shall not take possession of the premises unless all fees due broker are paid in full as agreed. Commission is payable when this lease is signed by the Tenant(s). It is solely for locating the rental for the Tenant and is not refundable under any circumstances regardless of any disputes or conditions between the Landlord and Tenant before or after occupancy is taken.

ACKNOWLEDGMENT Tenants hereby acknowledge that they have read, understand and agree to all parts of this document, and have received a copy.

AMOUNT RECEIVED BALANCE DUE

RENT: 600 _____
SECURITY: _____
BROKER'S FEE: _____

THE UNDERSIGNED TENANT(S) ACKNOWLEDGES RECEIPT OF A COPY HEREOF.

DATE: 8-10-2018

OWNER/AGENT St. Anthony the

ADDRESS Great Orthodox

PHONE Moravsk

TENANT Elizabeth

TENANT Elizabeth

PHONE Ex 2

Michigan.gov

Whitmer

Executive Order 2020-21: Temporary requirement to suspend activities that are not necessary to sustain or protect life - RESCINDED

March 23, 2020

EXECUTIVE ORDER

No. 2020-21

Temporary requirement to suspend activities that are not necessary to sustain or protect life

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. Older adults and those with chronic health conditions are at particular risk, and there is an increased risk of rapid spread of COVID-19 among persons in close proximity to one another. There is currently no approved vaccine or antiviral treatment for this disease.

<http://www.michigan.gov/legislature/0,4601,7-152-10002211--executive-order-2020-21,00.html>

2/14

8/15/22, 6:57 PM

Executive Order 2020-21: Temporary requirement to suspend activities that are not necessary to sustain or protect life - RESCINDED

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401-421, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31-33.

The Emergency Management Act vests the governor with broad powers and duties to "cop[e] with dangers to this state or the people of this state presented by a disaster or emergency," which the governor may implement through "executive orders, proclamations, and directives having the force and effect of law." MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945, provides that, after declaring a state of emergency, "the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control." MCL 10.31(1).

To suppress the spread of COVID-19, to prevent the state's health care system from being overwhelmed, to allow time for the production of critical test kits, ventilators, and personal protective equipment, and to avoid needless deaths, it is reasonable and necessary to direct residents to remain at home or in their place of residence to the maximum extent feasible.

This order takes effect on March 24, 2020 at 12:01 am, and continues through April 13, 2020 at 11:59 pm.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. This order must be construed broadly to prohibit in-person work that is not necessary to sustain or protect life.

<http://www.michigan.gov/legislature/0,4601,7-152-10002211--executive-order-2020-21,00.html>

2/14

EX 3 P 1

5/16/22, 8:57 PM

Executive Order 2020-21: Temporary replacement to suspend activities that are not necessary to sustain or protect life - RESCINDED

2. Promoting remote work to the fullest extent possible.
7. Requiring workers and patrons who are on premises at least six feet from one another to the maximum extent possible, including for customers who are standing in line.
4. Increasing standards of facility cleaning and disinfection to limit worker and patron exposure to COVID-19, as well as adopting protocols to clean and disinfect in the event of a positive COVID-19 case in the workplace.
5. Adopting policies to prevent workers from entering the premises if they display respiratory symptoms or have had contact with a person who is known or suspected to have COVID-19.
6. Any other social distancing practices and mitigation measures recommended by the Centers for Disease Control.

6. All in-person government activities at whatever level (state, county, or local) that are not necessary to sustain or protect life, or to supporting businesses and operations that are necessary to sustain or protect life, are suspended.

1. For purposes of this order, necessary government activities include activities performed by critical infrastructure workers, including workers in law enforcement, public safety, and first responders.

2. Such activities also include, but are not limited to, public transit, trash pick-up and disposal, activities necessary to manage and oversee elections, <https://www.michigan.gov/documents/mandate-state-order-and-directive/2020/03/22/executive-order-2020-21> 5/14

5/16/22, 8:57 PM [Executive Order 2020-21: Temporary replacement to suspend activities that are not necessary to sustain or protect life - RESCINDED](https://www.michigan.gov/documents/mandate-state-order-and-directive/2020/03/22/executive-order-2020-21)
operations necessary to enable transactions that support the work of a business's or operation's critical infrastructure workers, and the maintenance of safe and sanitary public parks so as to allow for outdoor recreation.

3. For purposes of this order, necessary government activities include minimum basic operations, as described in section 4(b). Workers performing such activities need not be designated.

4. Any in-person government activities must be performed consistently with the social distancing practices and other mitigation measures to protect workers and patrons described in section 5(c).

7. Exceptions.

1. Individuals may leave their home or place of residence, and travel as necessary:

1. To engage in outdoor activity, including walking, hiking, running, cycling, or any other recreational activity consistent with remaining at least six feet from people from outside the individual's household.

2. To perform their jobs as critical infrastructure workers after being so designated by their employers. (Critical infrastructure workers who need not be designated under section 5(a) may leave their home for work without a designation.)

3. To conduct minimum basic operations, as described in section 4(b), after being designated to perform such work by their employers.

<https://www.michigan.gov/documents/mandate-state-order-and-directive/2020/03/22/executive-order-2020-21> 5/14

Ex 3 p2

AFFIDAVIT OF PLAINTIFF ELIZABETH NELSON

Now comes the affiant under 28 USC Section 1746 "I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that"

Everything is true in the complaint and amended complaints and motion for summary judgment same as if rewritten herein

- 1) All exhibits are copies of originals and all facts are true in the complaint same as if rewritten herein
- 2) Affiant was in Cleveland Ohio when notified cars missing, "self-isolating" since she is deemed "at risk" for COVID 19
- 3) 4/25/20 Doctor @ Eastern Michigan told affiant "Do not come to Michigan because everything is going crazy because of COVID 19.
- 4) Affiant contacted landlord THROWER 5/2/20 who was "self-isolating" being treated for prostate cancer METROHEALTH CLEVELAND Ohio, to drive her to WARREN MICHIGAN to retrieve her 4 vehicles
- 5) Affiant was terrified to travel to Michigan and have to interact with people while the COVID 19 was raging.
- 6) On 7/5/21, affiant took an ambulance to MACOMB ASCENSION HOSPITAL 12 Mile & Hoover and was admitted for an infection.
- 7) Affiant pulled her 2008 Honda Civic behind house at 7568 Hudson Ave Warren Mi.
- 8) Honda was operable 7/7/21 as it was driven away from (S) SERVICE TOWING INC. see Ex I pic @ SPEEDWAY GAS STATION MOUND AFTER TOWING RELEASE
- 9) Affiant was informed by ALBERT THROWER-LANDLORD THAT Warren Police, SERVICE TOWING INC., ROBERT SCOTT, JAMES CUMMINS, AND OTHERS were in the process of towing her car having a view from the basement 7/7/21
- 10) Upon obtaining release of her car affiant notice that paint was missing Ex I where SERVICE TOWING INC., had towed her car from the rear of auto as ALBERT THROWER Ex L Affidavit heard (D) Service Towing Inc. state they had to tow (P) vehicle as same was parked behind house
- 11) When towing her car, defendants Warren Building Inspector JAMES CUMMINS, GHANAM, GAUSS, Robert Scott took her mower, WEBER grill, which pursuant to CITY COUNCIL ORDANCE 4/28/21 see Exh DD WARREN WEEKLY MAY 12, 2021, "Fire pit ordinance stands in Warren" she was allowed to have. Affiant never received WEBER grill back and affiant mower was broken when retrieved from Service Towing Inc., since thrown upside down in landlords 2011 Silverado which was towed at the same time. See Ex affiant purchased new mower from Menards
- 12) Plaintiffs 2008 HONDA was marked "blight" on the windshield by the defendants
- 13) Affiant was never served with any infraction as to her 2008 Honda, WEBER GRILL, and lawn mower when same taken 7/7/21.
- 14) (P) had an agreement w landlord THROWER mow lawn @ 7568 Hudson Ave., and defendants took her mower. Mower was later observed upside down in landlord

Td 39

EX K

Ex 4

- 15) THROWER vehicle when 2011 Silverado-also towed was released from (D) SERVICE TOWING INC.
- 16) Mower would not start-in spite of working before, and had to be scrapped @ GLS Scrap yard, Sherman Ave Warren MI- see Pic O of mower @ GLE scrap yard
- 17) Affiant purchased a new mower @ MENARDS 21 Mile, receipt annexed hereto as Ex BB
- 18) Affiant avers that she was in MACOMB ASCENSION HOSPITAL 7/27/21 when 2nd towing took place. Landlord Thrower called Affiant from basement (as admitted to by (D) Scott, (D) Mayor Fouts Ex L and (P) -affiant heard screaming "I WANT THEM HONDA TOWED"!
- 19) All expenses are correct as annexed to this motion
- 20) Affiant was terrified of (D)s' and that her 4 cars would be towed again 5/2/20 and had to transport same to CLEVELAND OHIO where they would be safe incurring expenses.
- 21) If (Ds) had not towed cars, affiant would not have transported 4 cars to OHIO.
- 22) 5/1/20 1st two cars behind duplex Ex D pic =The other 2 cars- 2012 MAZDA 5 Grand Touring, 2009 Silverado were to the right of the pictured cars behind the security fence Ex N before towed 5/1/20.
- 23) About 7/30/21 affiant went with landlord Thrower to Warren Police substation Van Dyke to make a police report on the falsified address 7528 Hudson Ave
- 24) Pursuant to Title 28 USC Section 1746 "I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the affiant avers under the penalty of perjury that everything is true

9/26/2022

Elizabeth Nelson
Elizabeth Nelson
Affiant Elizabeth Nelson

Td 39

Ex K p 2

Ex 4

U.S.A.

World

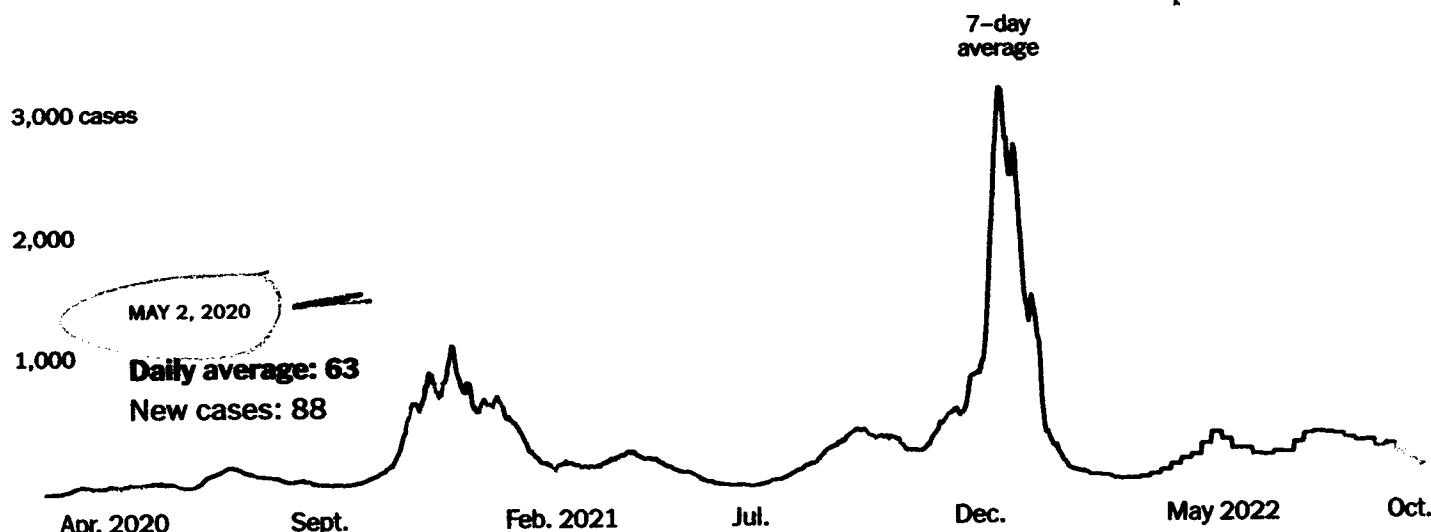
Health

Tracking Coronavirus in Cuyahoga County, Ohio: Latest Map and Case Count

Updated Oct. 12, 2022

New reported cases

All time Last 90 days



Test positivity rate

Hospitalized

Deaths



DAILY AVG. ON OCT. 11

PER 100,000

14-DAY CHANGE

Cases

138

11

-43%

Test positivity

8.1%

19

—

Hospitalized

239

<1

-13%

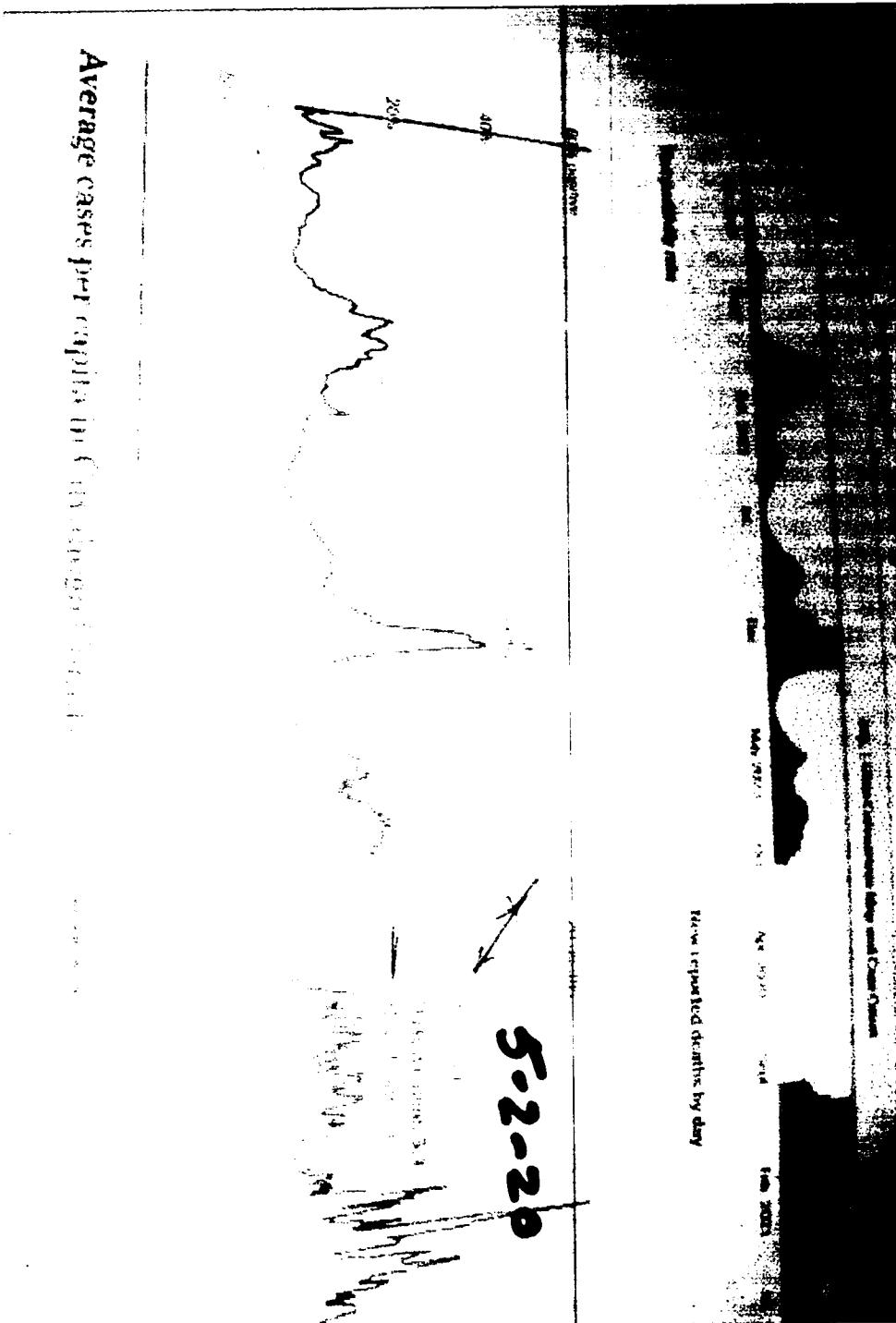
Deaths

2

+40%

[About this data](#)

Ex 5



Ex 5 p 2

U.S.A.

World

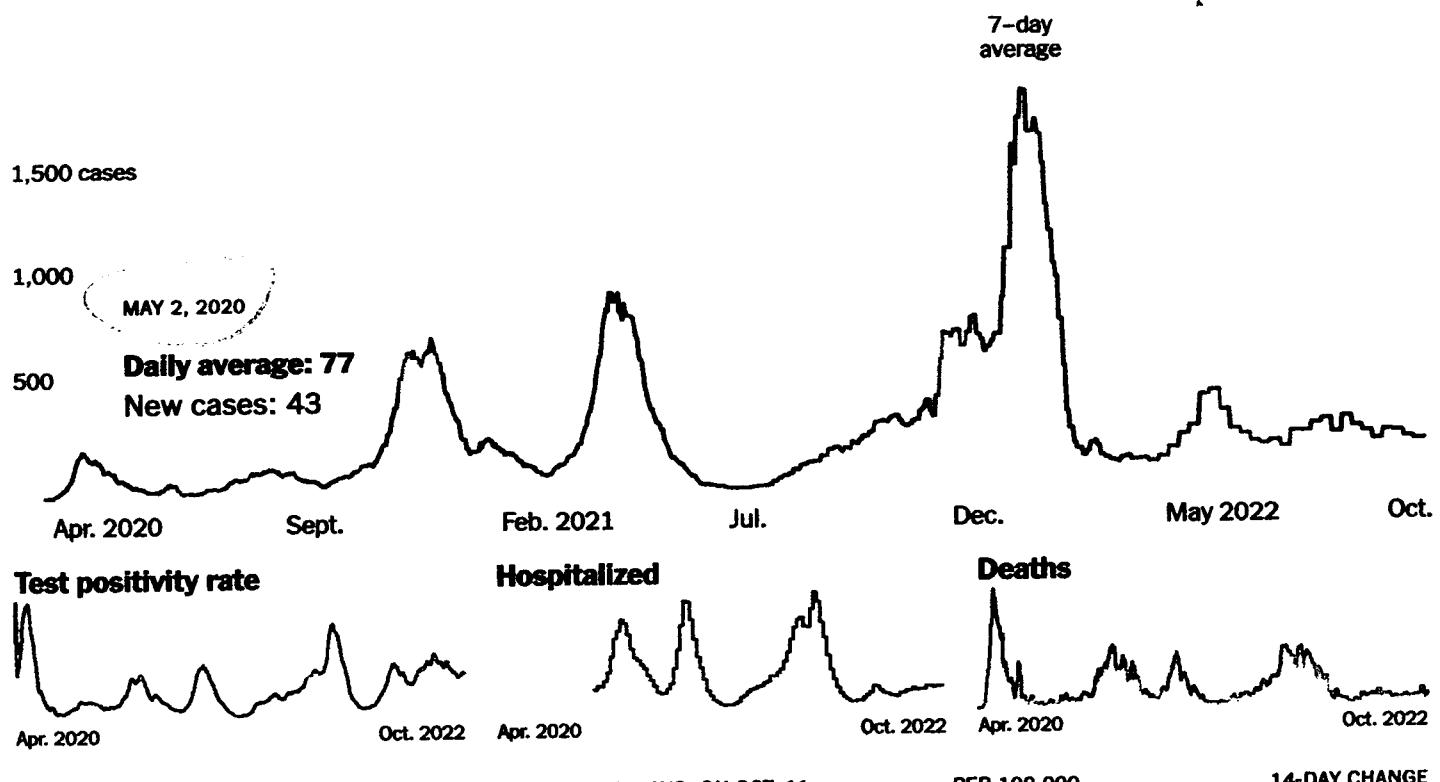
Health

Tracking Coronavirus in Macomb County, Mich.: Latest Map and Case Count

Updated Oct. 12, 2022

New reported cases

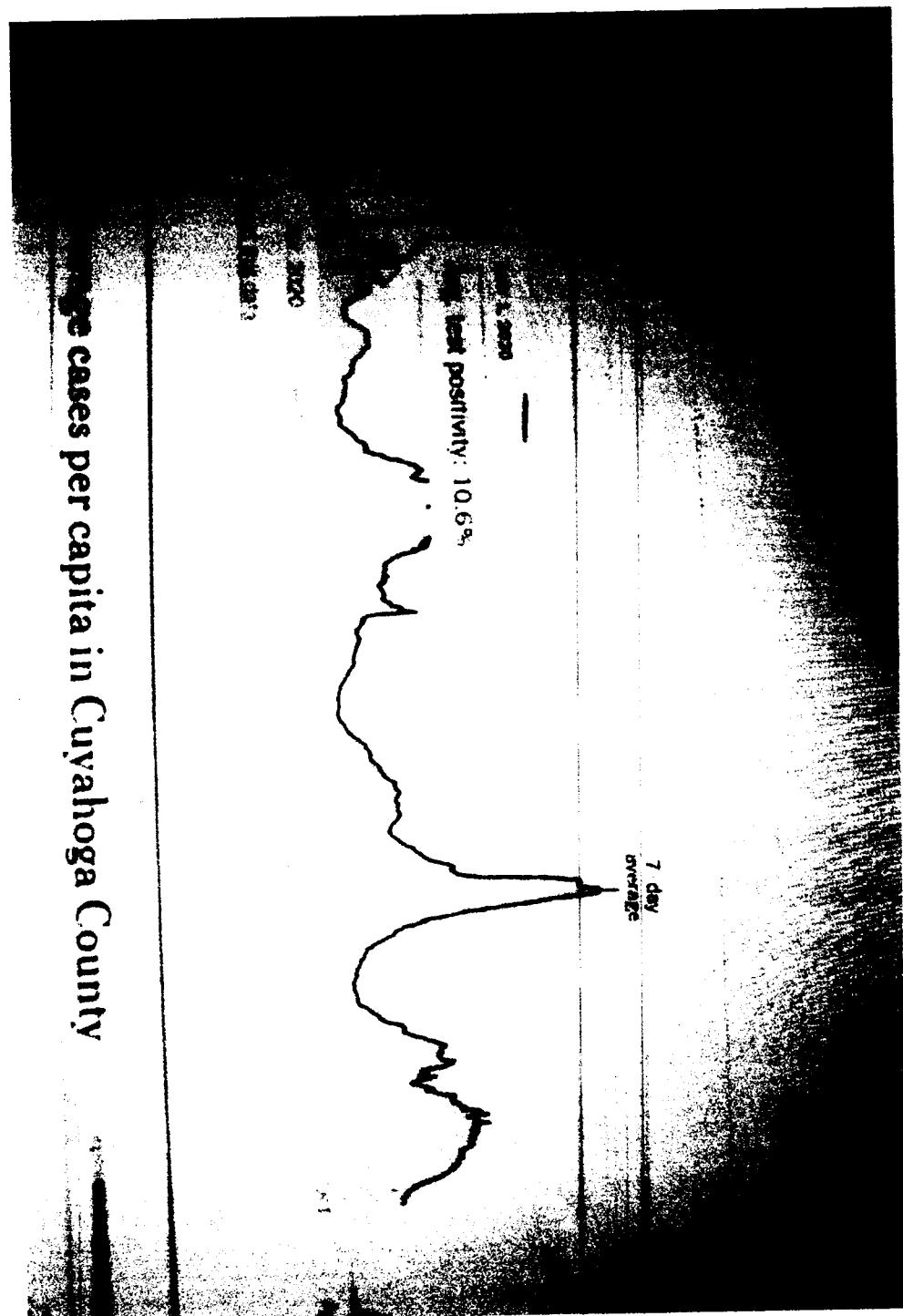
All time Last 90 days



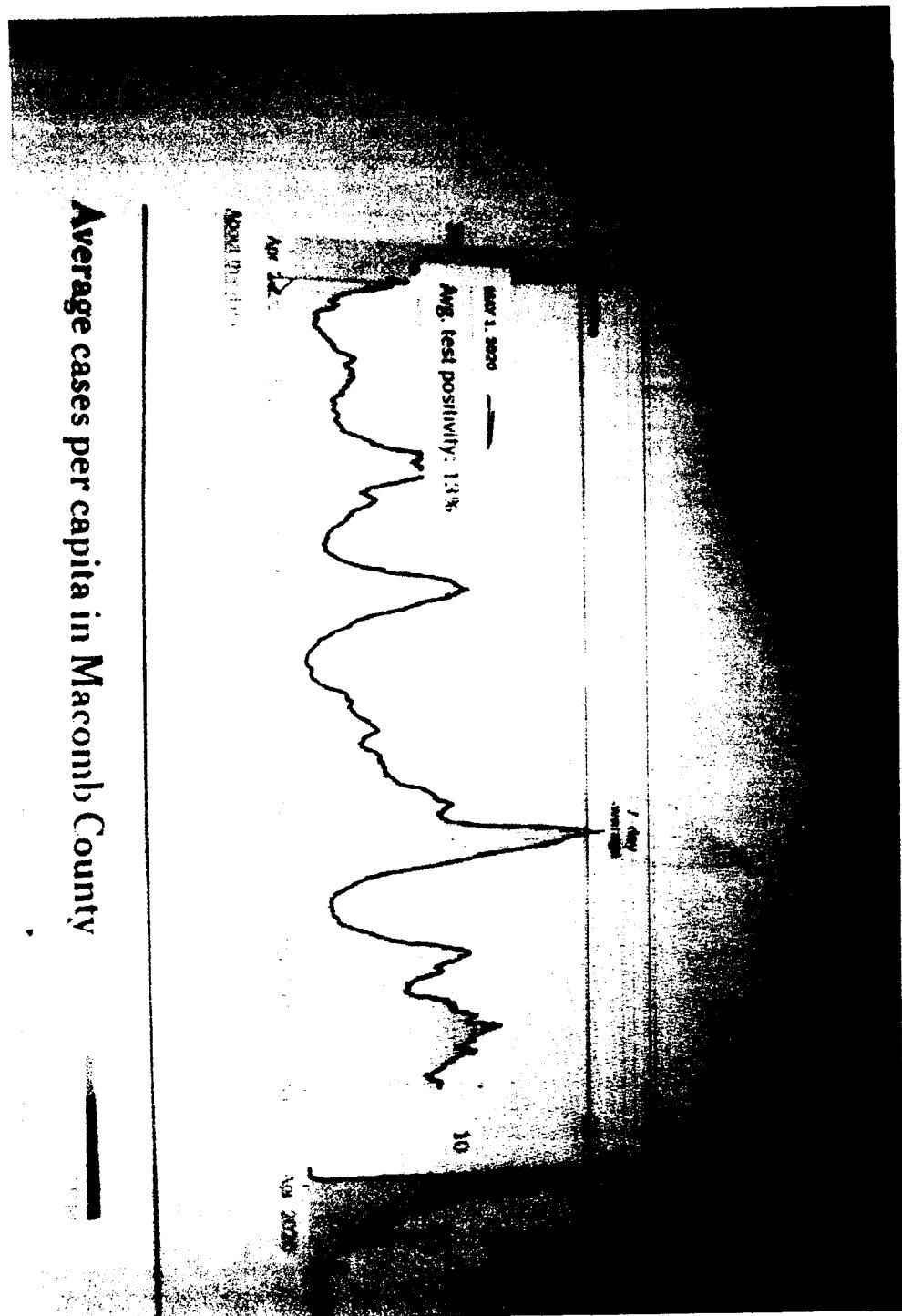
	DAILY AVG. ON OCT. 11	PER 100,000	14-DAY CHANGE
Cases	210	24	-4%
Test positivity	18%	—	—
Hospitalized	221	25	+4%
Deaths	2	<1	-33%

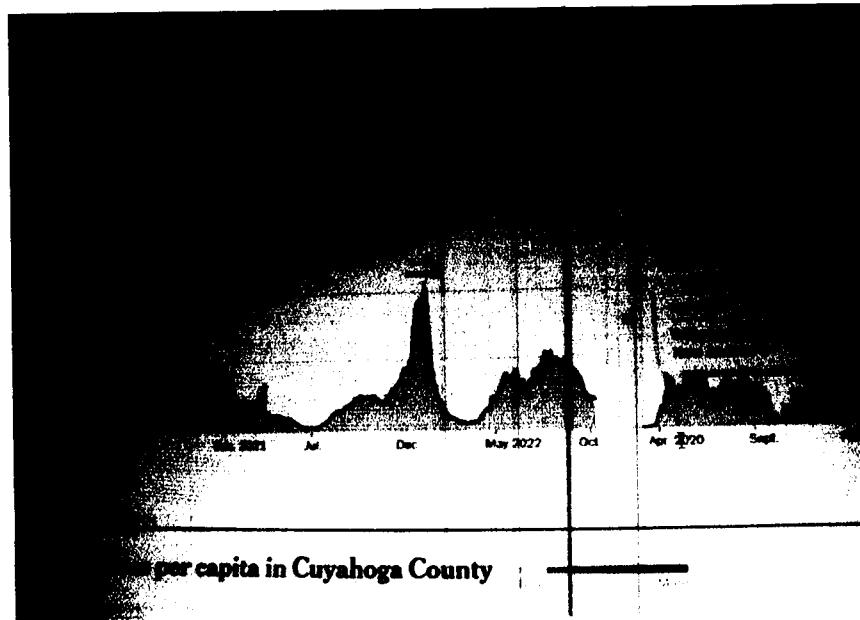
[About this data](#)

Ex 6



Ex 7





Ex 8 p 2

macomb county population

Tools

About 841,000 results (0.59 seconds)

Macomb County / Population

870,893 (2020)

Oakland County
1.255 million

Macomb County
870,893

Macomb County
County in Michigan

Macomb County is a county located in the eastern portion of U.S. state of Michigan, bordering Lake St. Clair, and is part of northern Metro Detroit. As of the 2020 Census, the population is 881,217, making it the third-most populous county in the state. The county seat is Mt. Clemens. [Wikipedia](#)

Explore more →

Sources include: United States Census Bureau

Feedback

People also ask :

What percent of Macomb County is black?

What is Macomb County known for?

What is the racial makeup of Macomb County Michigan?

What is the best city to live in Macomb County?

Feedback

Destinations

View 1

Lake Saint Clair Sterling Heights Warren St. Clair Shores

Points of interest

View 1

<https://www.census.gov/quickfacts/macombcounty...>

Macomb County, Michigan - U.S. Census Bureau QuickFacts

Population Estimates, July 1 2021, (V2021)... 876,792 ...

https://en.wikipedia.org/wiki/Macomb_County,_Michigan

Macomb County, Michigan - Wikipedia

As of the 2020 Census, the population was 881,217, making it the third-most populous county in the state. ... The county seat is Mt. Clemens. ... Macomb County is ...

Largest city: Warren Named for: Alexander Macomb
Seat: Mount Clemens Congressional districts: 9th, 10th
Clinton Township, Macomb... · Washington Township · Bruce Township, Macomb...

<https://www.michigan-demographics.com/macomb-co...>

Macomb County Demographics - Get Current Census Data for ...

With 876,792 people, Macomb County is the 3rd most populated county in the state of Michigan out of 83 counties. But watch out, Macomb County, because Genesee ...

<https://worldpopulationreview.com/us-counties/mac...>

Macomb County, Michigan Population 2022

Ex 11

https://www.google.com/search?q=macomb+county+population&rlz=1C1PRUI_enUS968US969&oq=macomb+county+pop&aqs=chrome.0.0i512j69i5...

1/2

cuyahoga county population

× ⌂ ⌂

All Images News Maps Shopping More Tools

About 3,810,000 results (0.56 seconds)

Cuyahoga County / Population

1.241 million (2020)

• Cuyahoga County 1.241 million

Summit County, Ohio 540,810

Cleveland 383,331

Explore more →

Sources include: United States Census Bureau

Feedback

<https://www.census.gov/quickfacts/cuyahogacountyoh>

Cuyahoga County, Ohio - U.S. Census Bureau QuickFacts

Population estimates base, April 1, 2020, (V2021) 1,264,817 ; Population, percent change - April 1, 2020 (estimates base) to July 1, 2021, (V2021).

People also ask

What percentage of Cuyahoga County is black?

What is the population of Cuyahoga County Ohio 2021?

Why is Cleveland's Ohio population declining?

What is the racial makeup of Cuyahoga County Ohio?

Feedback

Cleveland Cuyahoga Valley N... Lake Erie Lakewood

Cuyahoga County, Ohio - Wikipedia

It is situated on the southern shore of Lake Erie, across the U.S.-Canada maritime border. As of the 2020 census, its population was 1,264,817, making it the ...

County seat: Cleveland Founded: May 1, 1810

Congressional districts: 9th, 11th, 14th, 16th C... Named for: Cuyahoga River

Defunct townships of... · County Executive of Cuyahoga... · Oakwood

https://en.wikipedia.org/wiki/Cuyahoga_County,_Ohio

Get Current Census Data for Cuyahoga County, OH

population icon Population ... With 1,249,387 people, Cuyahoga County is the 2nd most populated county in the state of Ohio out of 88 counties. But watch out, ...

<https://www.ohio-demographics.com/cuyahoga-county-oh>

Ex 12

https://www.google.com/search?q=cuyahoga+county+population&rlz=1C1PRUI_enUS968US969&oq=cuya&aqs=chrome.1.69i57j0i67j46i67i131i433j0... 1/3

Cross reference— Buildings and Building Regulation, Chapter 9; Garbage and Rubbish, Chapter 16; Nuisances, Chapter 21;excluding noise-based and smoking nuisance described in Article II and Article V; Property Maintenance, Chapter 26; Sign, Erecture and Sign Permit Fees, Chapter 31; Vegetation, Chapter 38; and Generality Appendix A, Zoning.

State Law reference— MCL 117.40; MCL 117.41; and MCL 600.4027.

Sec. 2.5-1. - Purpose.

The purpose of this chapter is to ensure compliance with the Warren Code of Ordinances, designated as blight violations. Previous enforcement mechanisms were not ensuring blight violation code compliance.

(Ord. No. 80-731, § 1, 8-11-15)

Sec. 2.5-2. - Definitions.

Blight violation. A violation of a provision of the Code of Ordinances, including appendices, that is designated as a blight violation.

Bureau. The administrative hearings bureau.

Credit Union organization. A cooperative, nonprofit entity organized for the purposes of encouraging thrift, among its members, providing a variety of financial services to its members, and providing an opportunity for its members to use and control their own money on a democratic basis in order to improve their economic and social condition, including credit unions organized pursuant to: the Credit Union Act, MCL 490.101 to 490.601; the laws of another state or territory of the United States; or the laws of the United States.

Financial institution. A state or nationally chartered bank or a state or federally chartered savings and loan association, savings bank, or credit union whose deposits are insured by an agency of the United States government and that maintains a principal office or branch office in the State of Michigan under the laws of the State of Michigan or the United States.

Government-sponsored enterprise. That term as defined in 2 USC 622(B), or the Michigan State Housing Development Authority created under the State Housing Development Authority Act of 1966, MCL 125.1401 to 125.1499.

Mortgage servicer. A person that, directly or indirectly, services or offers to service mortgage loans, as defined by MCL 445.161a.

Rules committee. A committee comprised of the city attorney, the public service director, and the director of property maintenance, or their representatives.

EX 13 P 1

Code of Ordinances Propose necessary rules of procedure changes to the rules committee as provided in

Code of Penalties

五百

- v. Issue written responsibility determinations as provided for by the rules of procedure; and
- vi. Impose penalties consistent with section 2.5.7 of this chapter.

- a) **Fines, costs, and other remedies.**
 - (1) The administrative hearings officer shall impose on the violator:
 - i. Civil fines and costs, pursuant to the fee schedule; and
 - ii. A justice system assessment, as provided for by MCL 117.44q(13).
 - (2) The administrative hearings officer may also order the violator to:
 - i. Take corrective action to remedy the blight violation;
 - ii. Reimburse the city for documented enforcement costs; and
 - iii. Take any other appropriate legal or equitable action.

Sec. 2.5-5. - Rules of procedure

(1) The rules committee sh

(2) The rules of procedure shall be amended by the following procedure:

Administrative Hearings Bureau.

- i. The administrative hearings officer proposes changes to the rules of procedure through a written petition to the rules committee;
- ii. The rules committee votes on each proposed change. A majority vote determines whether each proposed change is adopted.

(Ord. No. 80-731, § 1, 8-11-15.)

Sec. 2.5-6. - Fine schedule.

(a) City council shall adopt a fine schedule of civil fines and costs for blight violations.
(b) City council shall update the fine schedule as needed.

https://library.munichcode.com/munichcode/code_of_arbitrages?model=PTICOR_CH2&ADMEBL

Code of Ordinances residence exemption affidavit for the current year certifying that the ~~Property~~ is owned and occupied as a principal residence by the owner.

(3) Penalties.

i. A violator found guilty of failing to pay civil fines and costs under section 2.5-8(e)(1) is subject to the following penalty:

1. For a first violation, the violator is responsible for a municipal civil infraction and may be ordered to pay a civil fine of not more than five hundred dollars (\$500.00).
2. For a subsequent violation, the violator is guilty of a misdemeanor punishable by incarceration for not more than ninety-three (93) days or a fine of not more than five hundred dollars (\$500.00), or both.

(b) Failure to obey the administrative hearings officer's order under section 2.5-7(a)(2) as a separate offense.

(1) If a violator fails to obey the administrative hearings officer's order to correct the blight violation and/or pay the city for enforcement costs under section 2.5-7(a)(2), that violator is guilty of a misdemeanor punishable by incarceration for not more than ninety (90) days or a fine of not more than five hundred dollars (\$500.00), or both.

(c) Lien, garnishment, or other collection methods authorized by law.

(1) If the administrative hearings officer imposes a civil fine and costs on a violator, and the

violator fails to pay within thirty (30) days of the administrative hearings officer's responsibility determination, the property maintenance director or his/her representative may pursue any collection method authorized by law including filing a lien on the property involved in the blight violation, pursuant to MCL 117.4c; or filing a writ of garnishment, pursuant to MCL 600.4027, but not both.

(d) Zoning and building authorizations.

(1) As provided for in chapter 9, section 9-1 of the Code of Ordinances and appendix A, article XXIII, section 23.02(b), the city may prohibit a violator with unpaid administrative hearings bureau civil fines or costs from applying for building permits, certificates of compliance, variances, rezoning approvals, site plan approvals, planned unit development approvals, and other zoning and building authorizations.

(Ord. No. 80-731, § 1, 8-11-15)

Sec. 2.5-9. - Chapter not inconsistent.

This chapter applies to administrative adjudication proceedings conducted by the bureau to the extent that it is not inconsistent with the existing Code.

(Ord. No. 80-731, § 1, 8-11-15)

Ex 13 P3

Code of Ordinances < Chapter 9 - BUILDINGS AND BUILDING REGULATIONS

ARTICLE II. - BUILDING CODE >

ARTICLE I. - IN GENERAL**Sec. 9-1. - Penalty.**

- (a) Except if there is an administrative hearings officer vacancy as described in chapter 2.5, section 2.5-4(d), the violation of a provision of this chapter is a blight violation. The administrative hearings bureau shall punish a violator found responsible for a blight violation as provided in Warren Code of Ordinances, chapter 2.5, section 2.5-7.
- (b) A violator with any unpaid civil fines or costs imposed under chapter 2.5 of the Warren Code of Ordinances may be ineligible to apply for a building permit, certificate of compliance, or a variance, except if:
 - (1) The person (1) became the owner of the property by foreclosure or by taking a deed in lieu of foreclosure and (2) is a government-sponsored enterprise, a financial institution, a mortgage servicer, or a credit union service organization, as defined by chapter 2.5, section 2.5-2; or
 - (2) The person shows that the permit, certificate, or variance will correct, in whole or in part, the blight violation that was the subject of the unpaid fines, costs, or justice system assessments.

(Ord. No. 80-527, § 8, 1-13-98; Ord. No. 80-629, § 1, 3-28-06; Ord. No. 80-650, § 1, 5-8-07; Ord. No. 80-731, § 3, 8-11-15; Ord. No. 80-750, § 2, 2-14-17)

State Law reference— MCL 125.1509c.

Secs. 9-2—9-15. - Reserved.

< Chapter 9 - BUILDINGS AND BUILDING REGULATIONS

ARTICLE II. - BUILDING CODE >

Ex 14 p1

Detroit Free Press

MACOMB

'This video is sickening,' attorney says of Detroit teen punched, kicked by Warren police



Christina Hall

Detroit Free Press

Published 5:46 p.m. ET Oct. 12, 2022 | Updated 8:29 p.m. ET Oct. 12, 2022

Tyler Wade's attorney said his teenage client was repeatedly punched, kicked and stomped by Warren police officers in a vicious attack after a chase in June that began in Warren and ended in Ferndale.

And attorney James King said it's all on police body camera footage that he released Wednesday, one day after he filed a federal lawsuit on behalf of the Detroit teen. A civilian also recorded the incident.

Ex 15



Public Access to Court Electronic Records

Invoice

Invoice Date: 10/05/2022

Usage From: 07/01/2022 to: 09/30/2022

Account Summary**Pages:**

Rate:

Subtotal:

1,298
\$0.10
\$129.80
0
\$2.40
\$0.00
\$129.80

Audio Files:

Rate:

Subtotal:

Current Billed Usage:**Previous Balance:**

Current Balance:

Account #: 5501555

Invoice #: 5501555-Q32022

Due Date: 11/10/2022

Amount Due: \$129.80

Contact Us

San Antonio: (210) 301-6440
Toll Free: (800) 676-6856
Hours: 8 am - 6 pm CT M-F
pacer@psc.uscourts.gov

Total Amount Due:  **\$129.80**

All Courts Now Converted to NextGen

In the third quarter, the final three courts implemented the next generation case management/electronic case files (NextGen CM/ECF) system:

- * North Carolina Eastern District
- * Texas Northern District

- * Texas Western District

If you have not upgraded your PACER account, here are some helpful hints:

- * If you have a PACER account, make sure it is upgraded. Log in to Manage Your Account at pacer.uscourts.gov.
- * If you do not have a PACER account, use this link to create one: pacer.uscourts.gov/register-account.
- * Remember to link your e-filing account to your PACER account.
 - * For an overview on linking, visit: pacer.uscourts.gov/file-case/get-ready-nextgen-cmecf.
 - * For instructions on linking accounts, visit: pacer.uscourts.gov/help/cmecf.

See pacer.uscourts.gov/billing for instructions on disputing charges, FAQs about the billing process, and more.

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The PACER Federal Tax ID is:
74-2747938

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Public Access to Court Electronic Records

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Ex 16

SAFEAIRBAGS.COM

P.O. Box 746 | Wheeling, IL 60090



099 *AUTO**ALL FOR AADC 480

U223 F3R4-0027064

3/10/166



VEHICLE OWNER
7568 Hudson Ave Apt A
Warren, MI 48091-5912

**VEHICLES REGISTERED TO
YOUR ADDRESS HAVE AN**

URGENT AIRBAG SAFETY RECALL

LOGIN ID: 0005704542

Dear Vehicle Owner,

According to our records, you have 3 registered vehicles linked to your address that are affected by an urgent Takata airbag safety recall. If a part in one of these airbags explodes, it could cause **SERIOUS INJURY** or **DEATH** to the driver and/or passengers. We can help to arrange the **FREE** airbag safety recall repair for your affected vehicles.

Please visit Commercial.SafeAirbags.com to:

- See a list of which vehicles are affected.
- Find your closest authorized dealer to complete your **FREE** airbag safety recall repairs.
- Update the status of vehicles you no longer own.



USE YOUR PHONE TO SCAN THIS
CODE TO BE TAKEN DIRECTLY TO
COMMERCIALSAFEAIRBAGS.COM

WHAT YOU NEED TO KNOW:

- All defective airbag safety recall repairs will be completed for **FREE**.
- Most airbag safety recall repairs can be completed in as little as one hour, depending on the vehicle model and the schedule of the dealer completing the recall repair.
- A mobile repair at the vehicle's location, vehicle pick-up and delivery, a loaner vehicle or other alternate transportation may be available - all for **FREE**. Please inquire when scheduling your **FREE** airbag safety recall repair.

We look forward to keeping you and your passengers safe.

Sincerely,
Airbag Safety Recall Team

Ex 17

SafeAirbags.com is affiliated with the Settlement Special Administrator appointed by the District Court for the Southern District of Florida to implement several settlement agreements entered into by BMW, Ford, Mazda, Nissan, Subaru, and Toyota and to conduct outreach on their behalf for the replacement of Takata inflators in those brands' vehicles. For this reason, to the extent you own one or more vehicles manufactured by some other brand, please visit NHTSA.gov to see if that vehicle is affected by the Takata recall.



SAFEAIRBAGS.COM

Police Department



William Dwyer was re-appointed Commissioner of the Warren Police Department on August 14, 2017. He previously served as the Warren Police Commissioner from April 2008 until December 2010. He also was elected as Oakland County Commissioner for the 14th District on November 2, 2010 and started his first two-year term on January 1, 2011. In December of 2018 he retired after his fourth two-year term as an Oakland County Commissioner.

Prior to his current assignment in Warren, the Commissioner served 23 years with the Farmington Hills Police Department as Police Chief. Before Farmington Hills, he served 23 years with the Detroit Police Department, where he held the position of Commander of Chief's Staff. Prior to that, he was in charge of the Narcotics Division for seven years, having risen through the ranks from the position of Patrol Officer. Commissioner Dwyer holds a Bachelor of Science degree from Mercy College and a Master's degree in Criminal Justice from Wayne State

University. He is also a graduate of the 97th session of the FBI National Academy.

He is an active member of the International Association of Chiefs of Police and is a past president of the Michigan Association of Chiefs of Police, in addition to having served as president of the Oakland County Chief's Association and the Southeastern Michigan Chiefs of Police Association. Commissioner Dwyer has served on the Advisory Board of Directors for the Oakland County Narcotics Enforcement Team since 1987. He is the past chairman of the High-Intensity Drug Trafficking Area (HIDTA) and served as Vice Chair in September 2003. In 2001, he was appointed to the Federal Anti-Terrorism Task Force and is still presently a member. He was appointed by the Governor to serve as a member of the Governor's Cabinet Council on Crime in 1989 and serves on the Commission on Children, Youth, and Families. He is on the Farmington Hills/Farmington Community Foundation and also serves as a member of the President's Criminal Justice Advisory Committee of Rochester College and a member of the executive committee of Michigan Citizens for Homicide Control. He served as chairperson of the Oakland County CLEMIS Advisory Committee for 11 years.

In 2004, he was appointed by Governor Granholm to the Michigan Homeland Security Advisory Council. Governor Granholm appointed him to the Michigan Public Safety Communications System Advisory Board in April 2005 and re-appointed him in April 2006. He is a member of the Hundred Club of Detroit and serves as president of the Farmington Hills Benevolent Association. In 2005, he was awarded the Presidential Medal from the Michigan Association of Chiefs of Police. Commissioner Dwyer was appointed to the State Bar of Michigan Custodial Interrogation Recording Task Force in 2006 and became a member of the Community Outreach Impact Committee. In 2009, Commissioner Dwyer received the Collegian Award from Wayne State University. In 2010, Crime

Value Statement

Officers of Michigan named him the Police Executive of the Year. The Commissioner is also an active member of both the Optimist Club and the Rotary Club.

Commissioner Dwyer is a graduate of L'Anse Creuse High School in Mt. Clemens. He and his wife Doris have two grown sons.

Most recently in 2019, Commissioner Dwyer was one of the founding members of the newly created Macomb County/Federal Task Force to fight against Illegal Narcotic, otherwise known as F.A.N.T.O.M.

Warren Police Department Mission Statement

To serve the community and protect the lives, rights, and property of all people in the City of Warren with integrity, equality, and justice.

Value Statement

The core values of the Warren Police Department are

Integrity

Integrity, the adherence to moral and ethical principles and the consistency of honest and dedicated actions, is our standard. We strive to earn the trust and respect of those whom we serve and work with. We do what is right at all times because it is the right thing to do.

Professionalism

All members of the Department will conduct themselves in a manner that is consistent with professional standards for performance, both on duty and off duty. These standards include adherence to our mission

Value Statement

statement and other core values. We perform our roles ethically and with integrity as we represent the Warren Police Department, regardless of the circumstances. We hold each other and ourselves accountable to these standards.

Employees

We value all who demonstrate self-motivation, dedication, and pride in their work and performance, along with the strength to adhere to what is right in all instances and actions.

Courage

Courage is not the absence of fear, but rather its mastery. We will remain courageous in our actions. We recognize that there are two types of courage: physical and moral. Physical courage is recognizing danger to oneself or to others, but persisting in our duty regardless. Moral courage is the adherence to principle, integrity, and dedication, no matter how easy it may be to do otherwise. It is putting character ahead of expediency and putting what is right ahead of what may be popular.

Respect

Respect means that we treat each other and the communities we serve as we would like to be treated: with compassion and dignity. Within the Department, we strive to ensure all members are supported and empowered, regardless of rank or position. Outside of the Department, we strive to partner with the communities we serve through transparency, accountability, and building mutual trust. We recognize that respect, as a value, must permeate every police action we undertake.

Police Department Phone Numbers

Ex 18

COPY

1 Warren, Michigan
2 Friday, August 20, 2021 - 9:18 a.m.
3 THE COURT: Albert Thrower versus Kim and
4 Cheryl Branson, 20-6101-LT.

5 Say your name for me, sir.

6 MR. THROWER: What was that?

7 THE COURT: Say your name, please.

8 MR. THROWER: Oh, Albert Thrower. Albert

9 Thrower.

10 THE COURT: Thank you.

11 Say your name, please.

12 MS. KIM BRANSON: Kim Branson.

13 THE COURT: Where is the attorney?

14 MS. KIM BRANSON: Pardon?

15 THE COURT: All right. This is the date and
16 time scheduled for a motion to cancel the jury demand.

17 What do you want to tell me?

18 MR. THROWER: This Court wanted them to escrow
19 the rent and, upon checking with the court, they never
20 escrowed the rent in July. So, I wanted to convert it to
21 a judge eviction.

22 THE COURT: Okay.

23 Have you paid the escrows?

24 MS. KIM BRANSON: Up until then, yes.

25 THE COURT: So you failed to follow the orders

1 STATE OF MICHIGAN
2 IN THE 37th JUDICIAL DISTRICT COURT
3 FOR THE COUNTY OF MACOMB

4 ALBERT D. THROWER,
5 Plaintiff,
6 Case No: 206101LT
7 V
8 KIM ELIZABETH BRANSON
9 MS. KIM BRANSON,
10 Defendants.

11
12
13 MOTION HEARING

14 BEFORE THE HONORABLE MICHAEL C. CHUPA, DISTRICT COURT JUDGE

15 Warren, Michigan - Friday, August 20, 2021

16
17 APPEARANCES:

18 Plaintiff in Pro Per: ALBERT THROWER
19 1312 West 89th Street
Cleveland, Ohio 44102

20 Defendants in Pro Per: KIM BRANSON
21 CHERYL BRANSON
7508 Hudson
Warren, Michigan 48001

22
23 RECORDED & TRANSCRIBED BY: Jessica R. Brown, CER - 7230
24 Certified Electronic Reporter
586.574.4914

37th District Court
Warren, Michigan

71 39
EX 4 p 1

EX 19

1 THE COURT: Say your name, please.
2
3 MR. SCOTT: Robert Scott, Director of Property
4 Maintenance, City of Warren.

5 THE COURT: Okay. Why are you here?

6 MR. SCOTT: I'm here on behalf -- if I can
7 intercede, your Honor, on behalf of Ms. Branson and her
8 roommate. This is a posted vacant house that has been
9 posted as structurally inhabitable. And due to that --
10 we couldn't find your order. I had -- I looked for your
11 order and could not find -- I had your clerk look for the
12 order also stating that they should put their account in
13 escrow. We couldn't find it at the time, so I advised
14 the ladies to stop paying rent because they were paying
15 rent for a house that is inhabitable.

16 Though they couldn't be evicted because of the
17 COVID situation and the current state laws, they -- they
18 are still occupying the house because we can't find them
19 a suitable place for them to move into, which they can
20 afford. I've also referred them to legal -- legal
21 assistance and they're using a city-based legal
22 assistance trying to get them into a new -- in a new
23 residence.

24 THE COURT: December 9th of '20, defendants
25 demand jury trial, set for jury trial when able, escrow
order entered today, \$510 per month must be paid by

1 that I set; is that right? How many payments have you
2 missed?

3 MS. KIM BRANSON: Right now? Two.

4 THE COURT: Okay. Okay. Is there anything you
5 want to say?

6 MS. KIM BRANSON: We were told not to pay any
7 rent on -- on that because there was to be no more money
8 coming from that house to Al Thrower.

9 THE COURT: Okay. Who told you not to pay the
10 rent?

11 MS. KIM BRANSON: The City.

12 THE COURT: I told you to pay rent to the
13 court, right?

14 MS. KIM BRANSON: Yes.

15 THE COURT: Okay.

16 Is there anything you want to say, ma'am?

17 MS. CHERYL BRANSON: Just what she said. We
18 were told not to pay anything.

19 THE COURT: But you knew the court order was in
20 effect and you had been following it for some period of
21 time, right?

22 MS. KIM BRANSON: Yes, seven months.

23 THE COURT: Okay.

24 Good morning.

25 MR. SCOTT: Good morning, your Honor.

Ex 4, p 2

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MR. SCOTT: Because the state law will not allow them to evict them out. We have been trying to find them a new residence and assisting them --

THE COURT: I'm sorry to interrupt you, sir.

Why are you looking for their -- to find a residence? It's their responsibility to find their own domicile.

MR. SCOTT: Well, I -- I'm just -- that's why I referred 'em to legal assistance, so they could -- or, when I say when I'm trying to help, I referred them to legal assistance, your Honor.

THE COURT: You certainly have a right to help if you want to. I'm not opposing that.

MR. SCOTT: Right. It's just -- yeah, my end of helping them is referring to legal assistance, which has been doing a pretty good job for them if I understand correctly.

THE COURT: You just told me the property is unlivable. Why would we delay the hearing in a circumstance where they're residing in a property that's unlivable?

MR. SCOTT: We -- we had -- this has been a long drawn out case, your Honor. It's -- we had made an arrest a few weeks ago in this. The Police Department made an arrest on a warrant that was issued by this Court for Mr. Thrower, so we had an arrest made. He sat in the

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tenants into the court by the 12th of each month. If the 12th is a holiday or a weekend, payment is due the next business day. First escrow payment due December 14th of '20.

MR. SCOTT: Okay. Again, your Honor, like I said I wasn't aware of that. I would never have advised him to go against your order if that -- if I could have confirmed that at the time. I asked several of the clerks to confirm that for me and they couldn't find it at the time.

THE COURT: They confirmed it for me because they were compliant. I told them what to do and they were doing it.

MR. SCOTT: Okay, your Honor.

THE COURT: And then you changed their mind.

Ms. Michaels, I see you there. Do you want to appear as well?

MS. MICHAELS: Mary Michaels for the intervening party, your Honor.

THE COURT: What do you want to tell me?

MS. MICHAELS: Pretty much what Mr. Scott said, that this property has been posted as unsafe therefore cannot be occupied.

THE COURT: Okay. Then why are you guys allowing them to continue then?

Ex 4
r3

from different directions.

MR. SCOTT: Your right, your Honor.

MR. MICHAELIS: Yes, your Honor.

THE COURT: Do you want -- do you still want a
jury trial?

MS. KIM BRANSON: Yes.

MS. CHERYL BRANSON: No.

THE COURT: Okay. The Court speaks through its
orders. Whether you can find it or not the defendants
were painlessly aware of the order and they were compliant
for six months -- seven months perhaps.

I don't know who did what to whom, I don't know if
the property is habitable or not. I don't know if
this landlord is a slumlord or not. That's for -- a
battle for a different day. What I know is I speak

through my orders. I meant what I said and I said what I
meant. If you want a jury trial, you have to escrow the
funds. That doesn't mean he's going to get a nickel at
the end of the day. However, the escrow requirement is
statutory. It's established by the Supreme Court through
our court rules. My enforcement of the escrow order was
well within authority and reason and an appropriate use
of judicial resources. We have this purpose to guarantee
that right. And, given the fact that in December of last
year we had no idea when jury trials were going to kick

house. He was -- knowing that we were outside the house,
he sat inside the house for approximately 18 hours
knowing this.

MR. THROMER: I object on any of this.

THE COURT: Stop talking, sir.

MR. THROMER: Okay.

MR. SCOTT: So -- so we then arrested him and
at that time we took as quick a court date as we could
get to try to get this adjudicated.

THE COURT: Okay. So what's the City's
position on the failure to comply with the order?

MR. MICHAELIS: Your Honor, under
landlord/tenant law if a residence is uninhabit --
inhabitable that could be taken into consideration in the
payment of rent.

THE COURT: That's absolutely true, but he's
requesting a hearing by the Court; they demanded a jury
trial. In order to satisfy the condition for jury trial,
I followed the court rule, which required an escrow.
They failed to meet the escrow conditions twice. So why
would we delay the proceedings further? If you're
looking to expedite the process, waiting for a jury date
18 months or a year away. So his request to deny the
jury and have a bench trial would expedite the hearing,
which it sounded like you guys are saying the same thing

Ex H p 4

1 THE COURT: Nine a.m., sir.
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3 MR. THROMER: Nine a.m.
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5 MR. SCOTT: Thank you, your Honor.
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7 THE COURT: Have a good day.
8
9 (At 9:29 a.m., proceedings concluded)

1 off again, it seemed prudent to require the occupiers of
2 the property to escrow the funds with the Court. Whether
3 those funds are applied to the rent back -- back rent, if
4 any, or returned to the tenants if rent is not -- is
5 abated, that's a battle for a different day. But two
6 months late is two months late and, quite candidly, it
7 seems like I'm doing you a favor.

8 Motion to cancel jury trial is granted. Do you
9 have your scheduler handy, Mr. Thromer?

10 MR. THROMER: Yes.
11
12 THE COURT: Ladies, can you appear next Friday?
13
14 Can you come next Friday for the hearing?
15
16 MS. KIM BRIMSON: Yes.
17
18 THE COURT: Okay.
19
20 MR. THROMER: Yes.
21
22 THE COURT: Hearing on the action for eviction
23 will be conducted August 27th at nine o'clock in person
24 at the courthouse here. Make sure you have all of your
25 witnesses lined up; whoever is going to testify has to be
present and available to be questioned. If somebody is
not here, then their testimony is -- doesn't exist so
make sure that both of you line up the witnesses. We'll
see you next Friday.
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37th District Court
Warren, Michigan
EX-5
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Cuyahoga County
Together We Thrive

Cuyahoga County Executive

Dear Property Owner,

Summer 2020

The COVID 19 Crisis is the worst crisis we have lived through in most of our lifetimes. It has impacted people's health, their jobs, and businesses throughout our County. It is part of the duty of County Government to collect property taxes and to distribute those taxes to your municipality, school district and state. We have always offered help to residents who are struggling with their property tax payment. But now, more than ever, I want to be sure you know that we are here to help you during this time of extreme hardship.

If you are unable to pay the Second Half 2019 tax balance (due by Thursday August 13, 2020) or if you have had difficulties paying your property taxes in the past and you have delinquent taxes, the County has expanded its delinquent tax payment plan options. These options could assist you in addressing the matter. We are attempting to reach out to you in a genuine effort to discuss your present situation and try to help you through these unprecedented times. The County has instituted the following measure until further notice:

- For taxpayers who can't meet the terms of their delinquent contract, the Treasurer may offer you a new contract.

We hope you will take advantage of this opportunity to resolve your tax situation. For further information on our payment plans or to review your situation, please call us Monday through Friday 8:30 a.m. through 4:30 p.m. at (216) 443-7420 for general tax issues or (216) 443-7698 if you have long-term delinquencies. We look forward to hearing from you.

I hope that you and those you love are safe and well.

Sincerely,

A handwritten signature in black ink that reads "Armond Budish".

County Executive Armond Budish

Note: If you have recently paid the taxes in full, made arrangements with our office to enter into a payment plan or filed for bankruptcy, please disregard this notice.

EX 22

FOR IMMEDIATE RELEASE
February 26, 2020

Contact: Mayor Jim Fouts
Telephone: (866) 574-4520

**Warren Mayor Jim Fouts
Prepares Warren For Influenza String A
And Coronavirus (COVID-19)**

Warren, MI – Over these past weeks we have all watched as news of the spread of Coronavirus in China, other parts of Asia and across the globe has been thrust onto our TV screens. As Mayor, it is my goal to educate, detect, and prevent any potential threat to our community here in Warren.

These actions have been taken to protect the citizens of Warren during a potential threat to their health:

- I have released a Public Service Announcement (PSA), and will continue to educate the public on the symptoms and prevention of COVID-19.
- We have implemented a public health management division working, training for all Police and Fire personnel on COVID-19.
- Our dispatchers have been educated on COVID-19 risk assessment so that they can alert and assist our first responders of potential risk on any call on which they are sent.
- I have issued all municipal buildings to display educational materials from the Center for Disease Control and Prevention (CDC), to help educate and identify symptoms of the COVID-19 virus.
- City Hall will feature hand sanitizing stations at each entrance and at each Department counter, to reduce the spread of all viruses.

- I will be setting up meetings at local hospitals (Bassett and St. John Ascension) to make sure they have protocol in place.
- We will be meeting with local schools to educate them on symptoms to look for with students and staff.
- Masks and gloves will be available for residents visiting city hall, and employees.

This virus also affects the economic stability of not only China but also the U.S. and the world. I think our companies may have to rethink investment in China.

The great economic boom that we have had may now have a downturn into a nasty recession because of the inability of the many plants in China to function because of this disease.

This could even affect the U.S. Presidential election in November. It currently affects the production of GM, Ford, and many other U.S. companies.

First, Warren residents should take comfort in knowing, health officials have informed us that the risk of Coronavirus to our community at this time remains low. Secondly, in a series of pro-active steps I have authorized City Administrators to implement a number of preventative measures.

For further information, please visit the Center for Disease Control and Prevention website at www.cdc.gov and the Michigan Department of Health and Human Services at www.michigan.gov.

There is still much to be learned

COVID-19 is an emerging disease and there is more to learn about its transmissibility, severity, and other features and what will happen in the United States. New information will further inform the risk assessment.

We will continue to work closely with all federal, state, county and other municipal partners to mitigate potential risk and immediately address any local signs of infection. Our residents can feel at ease knowing that their health and well-being is now and always will be my number-one priority. My administration, beginning with Police Commissioner Bill Dwyer, Fire Commissioner Skip McAdams, and all first responders are diligently working to ensure your safety. Really, my goal continues to be to serve and protect the citizens and visitors in Warren.

I WANT EVERYONE TO BE PREPARED NOT SCARED!

Ex 23

8/13/22, 7:47 PM

Current Warren COVID-19 Actions - City of Warren

8/13/22, 7:47 PM

Current Warren COVID-19 Actions - City of Warren

these symptoms are: Abdominal pain, diarrhea, loss of taste or smell, Muscle aches, severe headache, sore throat, vomiting.

C) Employees at work must practice good hygiene and infection control practices: mask, disinfecting, and social distancing.

D) If employees become sick during the day, they should immediately be sent home and a COVID test must be scheduled. Disinfecting and cleaning the workplace must immediately follow.

There are also procedures and guidelines dealing with COVID-19 sick leave policy. The city is empowered to conduct these rules and procedures based upon the HB 6032 Public Act 238 passed by the legislature on October 2, 2020.


*I have received more notifications about employees and residents who have tested positive for COVID 19. It seems that in many cases they been exposed to COVID at after work social events involving groups of people. Many have attended various places with some degree of distancing and disinfecting, but still became a victim. Any place in which a number of people congregate will expose any of us to this horrible disease. To be safe it is best not to attend gatherings of more than a few close friends or family. Bars and other similar places seem to be especially risky at the present time.

The less people you associate with the safer you are. Likewise, Thanksgiving should include only a few family members and less people is much safer than more people.

I know of too many people who thought they were safe only to contract the disease.

Please practice safety this Thanksgiving so that the Christmas holiday will be more enjoyable for you.

Current Warren COVID-19 Actions

Currently city hall is closed to the public. Both the fitness center and pool are still open by appointment only at the Warren Community Center. The library is closed to the public, but is still allowing curbside service. Data seems to indicate that Michigan and our immediate area are hot spots for COVID-19.

That being the case we have instituted updated guidelines to protect our employees, residents and visitors. These include the following:

A) Employees should not report to work if they have any of the following symptoms: Fever, shortness of breath, uncontrolled cough.

B) Two or more of the following symptoms not explained by a known medical or physical condition they must also not report to work and

<https://www.cityofwarren.org/current-warren-covid-19-actions-2/>

8/13/22, 7:47 PM

Current Warren COVID-19 Actions - City of Warren

Sincerely,

Mayor James R. Fouts

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<https://www.cityofwarren.org/current-warren-covid-19-actions-3/>

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Select Language ▾

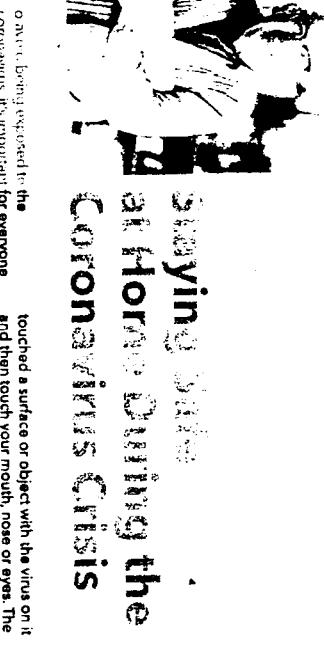
<https://www.cityofwarren.org/current-warren-covid-19-actions-2/>

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Ex 24

Coronavirus Crisis

Call your health care provider if you think you may have been exposed to COVID-19 and are experiencing symptoms. They can advise you on whether to get tested for the virus. In most cases, it's best to stay at home to avoid infecting others—or becoming infected yourself.



When you're exposed to the coronavirus, it's important for everyone to stay at home. This is particularly true for older adults and people with some chronic conditions, who have a higher risk for complications from COVID-19—the illness caused by the coronavirus. The Eldercare Locator and the Alliance for Aging Research have teamed up to bring you the facts—so you can keep yourself and loved ones safe and healthy during this public health emergency.

touch a surface or object with the virus on it and then touch your mouth, nose or eyes. The Centers for Disease Control and Prevention (CDC) advises older adults to:

Stay home

If you do need to go out in public, stay at least 6 feet apart from others and wear a simple cloth face covering to help prevent the spread of the disease to others.

Avoid high-touch surfaces like elevator buttons, door handles and counters. If you must touch these surfaces, use a tissue or disposable wipe to touch them.

Don't touch your face, nose, eyes or mouth.

Wash your hands with soap and water often; hand sanitizers are ok to use if they contain at least 60% alcohol.

Our immune systems weaken as we age, making it harder to fight off infectious diseases.

Cancer treatment, immune deficiencies, smoking and prolonged use of medications that weaken the immune system can also make it harder for the body to fight off the virus.

People with certain chronic health conditions—including heart disease, lung diseases, obesity, diabetes or liver disease—who have a harder time fighting the virus.

Fever

Cough (usually a dry or unproductive cough)

Difficulty breathing or shortness of breath

Fatigue

Loss of smell and taste

Body aches

Neasus, diarrhea, stomach aches or vomiting

This fact sheet was developed by the Alliance for Aging Research's Older Adults and the U.S. Administration for Community Living.

April 2020. Updated versions may be found at agingresearch.org/COVID19/.

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EX 25

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COVID-19 Resources/Information - City of Warren

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COVID-19 Resources/Information - City of Warren

most importance to stop it



COVID-19 Resources/Information

The health and safety of our residents is our priority. It is of utmost importance to us that we keep our residents informed and continue to conduct city business during these unprecedented times. Warren has been at the forefront of successfully combating COVID-19 and Mayor Pouts intends to keep us in a leadership position to protect our employees and the community while continuing to deliver effective city services to our residents. All hands-on deck meaning that all of us

should be doing our part to stop the spread of this virus.

Please take the time to review the City of Warren COVID-19 Preparedness and Response Plan. In addition, we encourage residents to stay connected with the City of Warren on Facebook for the latest information and updates.

To see updates from the State of Michigan, visit michigan.gov/coronavirus. Also, visit the Center for Disease Control's website at www.cdc.gov for further guidelines on staying healthy.



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COVID-19 Resources/Information - City of Warren



Ex 26

ACTUAL OUT OF POCKET EXPENSES OF PLAINTIFF NELSON

1st 5/1/20 Towing Expenses

Turnpike fee 5/2/20 to travel to Warren Michigan	2X-round trip 6.50 each	13.00
Gas for trip round trip 197 miles Cleveland-Warren		100.00
Tow fees 4 cars 5/1/20 \$350 x 4 =		1400.00
(D)s' took Grill of plaintiff (P)		50.00
Disinfectant to clean cars-clean markings off windshields		10.00
Gas to drive 4 cars back to 7568 Hudson Ave – then driven to CLEVELAND OH 250.00		
Because of (D) harassment & tow yard employee said (D) ROBERT SCOTT would tow		
Cars again if taken back to 7568 Hudson Ave Warren, MI See Affidavit THROWER		
Ex K		

4X Trips Ohio turnpike for 4 cars round trip = 8x x 6.50	52.00
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4x Cars to Cleveland Ohio 6.50 OHIO Turnpike Fee	26.00
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MASK to travel with due to COVID 19-disinfectant	20.00
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Interest on Expenses

2nd 7/7/21 Towing expenses

Tow fee 2008 HONDA CIVIC	315
WEBER GRILL -taken @ same time as admitted in 37 th District Court by (D) ROBERT SCOTT -grill was taken 2 nd time	75.00
MOWER-see receipt for new mower-it was (P) job to mow grass with her mower- (P) had to purchase new mower RECEIPT MENARDS	169.00
Gas to Pick up Mower -MENARDS 21 mile	10.00
Gas in Mower	1.00
Damage to Paint towing 2008 HONDA from rear See Ex I Pic	800.00
Gas to Drive 2008 HONDA to Cleveland OH-as (P) was afraid would be towed again	20.00
Ohio Turnpike Fee take 2008 Honda to Cleveland OH 7/21	6.50
Transcript of Eviction Hearing 8/22 37 th District Court Case 206101LT	100.00

GENERAL EXPENSES FILING ACTION

Cost of Filing lawsuit		402.00
Round trip Gas to 231 Lafayette Blvd Detroit MI Courthouse 2X		20.00
Parking @ Courthouse 2X \$10 each time		30.00
Cost of Process Server		150.00
Postage		20.00
Paper		15.00
Ink for printer		20.00
PACER QUARTERLY ACCOUNT Ex		129.80
Paper- 4 reams 500 sheets CVS @ \$7.79 each + tax		35.00
Interest on Expenses		
Postage Mailing Copies 3 defendants Ex		20.00
Postage Mailing Briefs		20.00
Postage Mailing Briefs		20.00

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Exh 19 pg 2

operation to maintain the value of inventory and equipment, care for animals, ensure security, process transactions (including payroll and employee benefits), or facilitate the ability of other workers to work remotely."

Only "critical infrastructure workers" or those required to conduct minimum basic operations may be permitted to perform in-person activities so long as any in-person work is performed consistently with the social distancing and mitigation measures required under any relevant executive order or public health order. Workers designated as critical infrastructure workers or those required to conduct minimum basic operations will be informed of such designations in writing, if so required.

The City of Warren had previously communicated the work from home/telecommuting/telework options to city employees on March 19, 2020. The City's IT Department was integral in achieving this goal and has been equipped for a few years now to undertake this measure. (Exhibit A)

All employees who were not essential to operations, and whose job duties reasonably allowed to them to work from home were allowed to do so.

Employees were permitted to take paid leave consistent with the Pandemic Flu Coronavirus Response Act and City of Warren's Personnel Policy. Any sick employee who appeared to have a respiratory illness was separated from other employees and sent home.

Employees who remained at city buildings to perform their work were staggered on certain days, in order to have smaller crews on-site, to avoid crowding within six feet of other individuals. Some employees were educated and provided additional resources in order to avoid the shared use of offices, desks, telephones, and telecomputers. Employees should and have been maintaining in their assigned work areas as much as possible. Employees whose job duties regularly require them to be within six feet of members of the public were provided with appropriate personal protective equipment (PPE) or physical barrier accommodations with due level of risk of exposure to COVID-19. (Exhibit A) The number of employees permitted in any building/office/branch/warehouse from here on out shall be limited to ensure social distancing guidelines can be followed.

On February 26, 2020, CDC posters were posted in all city buildings instructing employees and visitors to wash their hands frequently, to cover their coughs and sneezes with tissue, and to avoid touching their faces. Employees and the public had access to resources to frequently wash their hands and were given access to hand sanitizer at each department front counter (also on February 26, 2020). Employees who had access to tissues and placed to properly dispose of them. Signs regarding proper hand washing methods were placed in all locations. Hand shaking was discouraged and will further be prohibited to ensure good hand hygiene. (Exhibit A, G, J)

On February 26, 2020, also I directed the Public Service Department and Building Maintenance Division to increase cleaning and disinfecting of surfaces, equipment, and other elements of the work environment daily using products containing EPA-approved disinfectants. Employees were provided with access to disposable disinfectant wipes so that their workspaces and any commonly used surfaces could be wiped down before each use. In the event that an employee that has been

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in the workplace in the past 14 days tests positive for COVID-19, additional cleaning will be conducted. This was disseminated in one of our departments already in late March, 2020 (Exhibit A, C)

On February 26, 2020, I also directed the Police Commission and Fire Commission to implement special COVID-19 training to all personnel and the department personnel. In addition dispatch would able to assist minimizing exposure to our first responders through a series of screening questions. (Exhibit A, B)

- Our Fire Department was able to wear cleaning/disinfecting equipment, oxygen tanks, and PPE to minimize our Ambulances and shared spaces.
- Our Police Department was also armed with PPE implemented one extra protective division.

We have not allowed visitors into any city buildings since March 13, 2020 (Crescent City Center) and March 16, 2020 (City Hall, Library, etc.) Visitors are only allowed in the workplace if they are deemed essential to address an issue related to critical infrastructure facilities. (Exhibit C, D)

In early March 2020 I announced City of Warren Parks will remain open, while play structures have been taped off and their use prohibited. I have encouraged walking and jogging in the parks while following appropriate social distancing guidelines of maintaining six feet of space between individuals. (Exhibit E)

To ensure a safe work environment and to remain consistent with the Governor's order all visitors entering city building's MUST have a face covering, making certain their mouths and noses are properly covered. All visitors shall be screened prior to entering the building. An screening questionnaire will be utilized to decide if the visitor can enter the building. If a visitor arrives with symptoms of COVID-19 or answers yes to any of the screening questions we will not allow them into the building. We will provide the visitor with a hundred reprint, what to do if they might have COVID-19. (Exhibit K, J)

An entry screening questionnaire should be completed by all employees before being permitted to enter the workplace and should comply with any required screening process by health professionals. Any individual taking employee temperatures will be required to wear appropriate personal protective equipment. If an employee fails the screening process, he or she should be sent home and allowed to return to work under the relevant executive orders and public health orders. (Exhibit J)

We implemented this soon after we moved to a work from home mode on March 23, 2020. An employee or resident of one of the City of Warren's senior housing facilities is considered to have a Suspected Case of COVID-19 if:

- They are experiencing any of the following COVID-19 symptoms:
 - Fever
 - Persistent cough
 - Shortness of breath

- If they have been exposed to a COVID-19 positive person, meaning:
 - An immediate family member has tested positive for or exhibited symptoms of COVID-19; or
 - In the last 14 days, the employee came in close contact with someone who has tested positive for COVID-19.

If an employee/resident of one of the City of Warren's senior housing facilities believes that he or she qualifies as a Suspected Case (as described above), he or she must:

- Immediately notify supervisor and/or Human Resources/Administrator of office;
- Self-quarantine for 14 days; and
- Seek immediate medical care or advice.

If an employee qualifies as a Suspected Case, then the City of Warren will:

- Notify all employees/residents of one of the City of Warren's senior housing facilities who may have come into close contact (being within approximately six feet for a prolonged period of time without PPE) with the employee in the past 14 days (while not disclosing the identity of the employee to ensure the individual's privacy); and
- Ensure that the employee/resident of one of the City of Warren's senior housing facilities' workplace area is thoroughly cleaned.
 - These measures have already been taken/were followed in several departments already:
 - Senior Housing
 - Police
 - Fire
 - Building

An employee/resident of one of the City of Warren's senior housing facilities is considered a Confirmed Case of COVID-19 if the person tested positive for COVID-19 or had a health screening with a healthcare provider and that provider deemed them positive.

If an employee/resident of one of the City of Warren's senior housing facilities believes that he or she qualifies as a Confirmed Case (as described above), he or she must:

- Immediately notify supervisor and/or Human Resources/Administrator of Office of his or her diagnosis; and
- Remain out of the workplace until they are cleared to return to work.
 - This has already taken place in the following departments:
 - Senior Housing
 - Police

If an employee/resident of one of the City of Warren's senior housing facilities qualifies as a Confirmed Case, then the City of Warren will: (Exhibit J)

- Notify all employees/residents of one of the City of Warren's senior housing facilities who may have come into close contact with the employee (being within approximately six feet for a prolonged period of time without PPE) in the past 14 days (while not disclosing the identity of the employee to ensure the individual's privacy);

Consistent with Executive Order 2020-36, Employees who test positive for COVID-19 or display one or more of the principal symptoms of COVID-19 (fever, nonhemoptysis cough, or nonhemoptysis shortness of breath) will not be permitted to return to work until either:

1. Both 2 days have passed since their symptoms have resolved and 7 days have passed since their symptoms first appeared or since they were swabbed for the test that yielded the positive result; or
2. They receive a negative COVID-19 test.

Employees who have been in "close contact" (being within approximately six feet for a prolonged period of time) with an individual who tests positive for COVID-19 or who displays one or more of the principal symptoms of COVID-19 will not be permitted to return to work until either:

1. 14 days have passed since the last close contact with the sick or symptomatic individual; or
2. The symptomatic individual receives a negative COVID-19 test.

The "close contact" rule does not apply to the following classes of workers: health care professionals; workers at a health care facility (including hospitals, medical centers, health maintenance organizations, nursing homes, hospices, and veterans' facilities); first responders (e.g., police officers, fire fighters, paramedics); child protective service employees; workers at child caring institutions, as defined in MCL 282.111; and workers at correctional facilities.

I directed all city department heads to maintain their staffing to perform essential functions on the workplace and ensure smoothly even if when key employees are absent. We also utilized various methods of work to communicate frequent messages to employees and residents. (Exhibit L)

- Newsletter
- Newslett Magazine
- Water DNR Flyer
- Social Media
- City Website
- Press Releases
- PPA's
- Radio
- TV (both City Cable and broadcast)

A response team most proud of is that city services have been able to run smoothly and consistently, coupled with the assistance to residents that I have implemented. (Exhibit C, F, G, H, I, D)

- Sanitation is on time and consistent, as well as recycling and compost

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Ex 30 p²

- I made the decision to not enforcing grass cutting fines in order to allow for safe and clean neighborhoods free of rodents, etc.
- Suspended Water Shut-Offs
- WWTP is functioning
- Established Food Assistance Hotline
 - Partnered with local food pantries
- Partnership to bring more food to Warren residents through Forgotten Harvest, Gleaners and Salvation Army

EXHIBIT A

FOR IMMEDIATE RELEASE
February 26, 2020

Contact: Mayor Jim Fouts
Telephone: (586) 574-4520

Warren Mayor Jim Fouts
Prepares Warren For Influenza, Soring A
And Coronavirus (COVID-19)

Warren, MI – Over these past weeks we have all watched as news of the spread of Coronavirus in China, other parts of Asia and across the globe has been thrust onto our TV screens. As Mayor, it is my goal to educate, detect, and prevent any potential threat to our community here in Warren.

These steps have been taken to protect the citizens of Warren during a potential threat to their health:

- I have released a Public Service Announcement (PSA), and will continue to educate the public on the symptoms and prevention of COVID-19.
- We have implemented a public health management decision making training for all Police and Fire personnel on COVID-19.
- Our dispatchers have been educated on COVID-19 risk assessment so that they can alert and assist our first responders of potential risk on any call on which they are sent.
- I have issued all municipal buildings to display educational materials from the Center for Disease Control and Prevention (CDC), to help educate and identify symptoms of the COVID-19 virus.
- City Hall will feature hand sanitizing stations at each entrance and at each Department counter, to reduce the spread of all viruses.
- I will be setting up meetings at local hospitals (Bergen and St. John Ascension) to make sure they have protocol in place.
- We will be meeting with local schools to educate them on symptoms to look for with students now state.
- Masks and gloves will be available for residents visiting city hall, and employees.

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EXHIBIT B

March 12, 2020

ALL MEDIA FOR IMMEDIATE DISTRIBUTION - CITY OF WARREN - WARREN
MAYOR JIM FOUTS TO ANNOUNCE ACTIONS WARREN WILL BE TAKING IN
REGARDS TO COVID-19

Coronavirus (COVID-19) actions will be announced later today to serve and protect all people in Warren:

- 1) I will be meeting with major department heads at Noon today.
- 2) I will also be meeting with members of the various churches in Warren later today after the staff meeting.
- 3) I will also be contacting leaders of the various school districts in Warren.
- 4) I will also contact some major state leaders.

I did receive a call from the Governor yesterday. After all of the above I will then announce additional actions that Warren will be taking to protect people against this virus. I am also requesting that all political leaders in Warren put aside their differences to be united to serve and protect our citizens. All hands on deck for this pandemic and no time for political games or partisanship!

Can be reached at Office 586-574-1520, Mobile 586-481-0545, Home 586-573-8058.

Sincerely,

Mayor James R. Fouts
City of Warren
One City Square- Suite 215
Warren, MI 48093-6726
586-574-4520
mayor@cityofwarren.org
www.cityofwarren.org

This virus also affects the economic stability of not only China but also the U.S. and the world. I think our companies may have to rethink investment in China.

The great economic boom that we have had may now have a downturn into a nasty recession because of the inability of the many plants in China to function because of this disease.

This could even affect the U.S. Presidential election in November. It currently affects the production of GM, Ford, and many other U.S. companies.

First, Warren residents should take comfort in knowing, health officials have informed us that the risk of Coronavirus to our community at this time remains low. Secondly, in a series of proactive steps I have authorized City Administrators to implement a number of preventative measures.

For further information, please visit the Center for Disease Control and Prevention website at www.cdc.gov and the Michigan Department of Health and Human Services at www.michigan.gov.

There is still more to be learned

COVID-19 is an emerging disease and there is more to learn about its transmissibility, severity, and other features and what will happen in the United States. New information will further inform the risk assessment.

We will continue to work closely with all federal, state, county and other municipal partners to mitigate potential risk and immediately address any local signs of infection. Our residents can feel at ease knowing that their health and well-being is now and always will be my number-one priority. My administration, beginning with Police Commissioner Bill Dwyer, Fire Commissioner Skip McAdams, and all first responders are diligently working to ensure your safety.

Finally, my goal continues to be to serve and protect the citizens and visitors in Warren.

I WANT EVERYONE TO BE PREPARED NOT SCARED!

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EXHIBIT C

March 12, 2020

ALL MEDIA FOR IMMEDIATE DISTRIBUTION - CITY OF WARREN - COVID-19 ACTION BY MAYOR FOOTS

Below is a list of actions I have immediately issued to protect Warren citizens:

- 1) Moratorium on Water shutoffs.
- 2) Friday Closure of Warren Community Center, Fitzgerald Recreation Center, and Owen Jax Center thru the end of March. Transportation for seniors and those with special needs will remain active. Meals on Wheels at Owen Jax will also temporarily remain active. Civic Theatre Productions on hold.
- 3) Fire and Police have protocol for assessing potential patients with coronavirus.
- 4) All non-essential persons prohibited from senior housing facilities at Stilwell and Joseph Coach. All gatherings for various activities such as St. Patrick's Day, Bingo, Bocce, and other such events cancelled.
- 5) Human Resources will be issuing guidelines to all employees regarding proper steps to take to limit exposure.
- 6) Building Maintenance will have stepped up efforts to sanitize all publicly utilized areas, including railings, elevators, door knobs and counter tops. This includes repeated cleaning throughout the day.
- 7) All children's toys have been removed from Libraries and additional efforts have been issued involving cleaning kiosks and keyboards, and patrons will be scanning their own library cards.
- 8) City inspectors also have protocol in place to assess the homes/facilities before they enter.

I have met with several religious leaders and school officials and both have taken proper precautionary efforts and will cooperate and collaborate with the city to protect their parishioners. I will discuss more of this later.

Can be reached at Office 586-574-4520, Mobile 586-481-0545, Home 586-573-8058.

Sincerely,

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EXHIBIT D

March 13, 2020

ALL MEDIA FOR IMMEDIATE DISTRIBUTION - CITY OF WARREN - UPDATE FROM WARREN MAYOR JIM FOOTS REGARDING WARREN CLOSURES/ACTIONS PERTAINING TO CORONAVIRUS (COVID-19)

ATTENTION: I have ordered the following Warren closures due to the coronavirus epidemic:

- 1) All Warren Public Libraries will be closed effective this Monday thru at least the end of the month.
- 2) Warren City Hall will be closed to the public effective this Monday thru at least the end of the month.
- 3) All city personnel will still be reporting to work and we will take emails and phone calls as well.
- 4) AARP Tax service will also be closed until further notice.

Note: I have received reports that there maybe suspected cases of the virus in Warren. I await further information including additional testing. This is a FLUID situation and subject to change. GM has also closed down the Tech Center except for essential staff. The GM Tech Center is directly across from Warren City Hall. The Governor is also recommending that all houses of worship should be closed if over 250 people are gathering. I have received calls and suggested to Pastors that they too consider closure in order to make it safe for their parishioners.

Can be reached at Office 586-574-4520, Mobile 586-481-0545, Home 586-573-8058.

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EXHIBIT E

March 19, 2020

ALL MEDIA FOR IMMEDIATE DISTRIBUTION - CITY OF WARREN - WARREN MAYOR JIM FOOTS DECLARES A STATE OF EMERGENCY

As the chief executive (Mayor) of Warren, I have officially declared a State of Emergency for the city of Warren effective Monday March 23, 2020. This will do the following:

- 1) Employees will be able to work from their homes. This allows a safe distancing between city employees to ensure their safety by having minimum contact with other employees. This will help to deter the spread of the coronavirus.
- 2) This will allow me to designate our three community centers* as health auxiliary facilities. This will assist first responders and the medical community when the need arises.
- 3) Essential services will remain in operation during this crisis.
- 4) I will continue working at Warren City Hall, although many employees will be working from home through telecommunications.

*Warren Community Center, Owen Jax Center and Fitzgerald Recreation.

Can be reached at Office 586-574-4520, Mobile 586-481-0545, Home 586-573-8058.

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EXHIBIT F

March 25, 2020

ALL MEDIA FOR IMMEDIATE DISTRIBUTION - CITY OF WARREN - WARREN MAYOR JIM FOOTS ESTABLISHES WARREN EMERGENCY FOOD HOTLINE DURING COVID-19 CRISIS

During this time of great crisis we need to focus on two words: Faith and Facts. I have an EMERGENCY HOTLINE 586-574-4526 for senior Warren residents as well as those with pre-existing conditions who are in need of food. Please for those only who are in great need! This will be coordinated with local food pantries and volunteers from Warren. Those wishing to help out can also call the HOTLINE number 586-574-4526. Indicate that you are able to assist and leave your phone number. THANK YOU!

Can be reached at Office 586-574-4522, Mobile 586-481-0545, Home 586-573-8058.

Sincerely,

Mayor James R. Fouts
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EXHIBIT G

April 5, 2020

ALL MEDIA FOR IMMEDIATE DISTRIBUTION - CITY OF WARREN -
Mayor Fouts Arranges Forgotten Harvest At Warren City Hall Every Monday

Forgotten Harvest will be at Warren City Hall from 9 AM until 1 PM every Monday for the next six weeks to provide free food packages for unemployed needy Warren residents. They will have up to 750 packages. No contact as they will put the food packages in the trunk of your car. We have Warren volunteers to help out every Monday. Go to the south parking lot for the food distribution!

Office 586-574-4520, Cell 586-481-0545, Home 586-573-8058.

Sincerely,

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EXHIBIT H

April 8, 2020

ALL MEDIA FOR IMMEDIATE DISTRIBUTION - CITY OF WARREN - UPDATE
FROM MAYOR FOUTS ON COVID-19 CONCERN'S QUESTIONS

PLEASE BE SAFE by staying home this week with safe distancing. The virus can live up to 3 days on plastic and can last 3-4 days on surfaces.
I have requested some clarifications from the Governor's office regarding Warren's concerns and questions:

1) LANDSCAPING Service ban- Apparently it is still in effect. The Governor's position is that in Warren if you are merely using a service for lawn cutting and edging more than that, the city will not be issuing tickets. Anything else is a violation of the state mandate. I do respectfully disagree and view lawn service as a necessary service for seniors and those with special needs.

2) UNEMPLOYMENT checks- They are currently overwhelmed with calls so they suggested that you log in and do your request over the internet rather than by phone. Call will take you about 20 minutes to complete and then your check will be in the mail.

3) FASTEST WAY TO FILE ONLINE is if your last name begins with A-L. It is 10:00 AM on Wednesday or Friday, M-Z File Sat, Tues or Thurs. Anyone unable to do that can file on Saturday.

4) Governor has taken charge of getting needed supplies for Michigan hospitals and is working with Michigan companies to supply what is only supplied by China. Thank you Governor Whitmer.

ALSO POSTMASTER ANSWERS:

4) I spoke with the Warren Postmaster and he indicated that mail may be delayed a day or two because of coronavirus illness and 14 day isolation. The main supplier for all Post Offices is in Topeka, Kansas. When they have a problem it affects everyone.

5) The Postmaster has assured me that the mail is safe and that there is no known record of anyone getting the virus from their mail.

HOSPITALS:

6) I spoke with some officials at various hospitals in the area and they indicate that they are still in need of PPE (personal protective equipment) and that includes N95 masks, gowns, surgical masks, eye protectors, and other equipment. NOTE: I spoke with a nurse at Warren Ascension Hospital on 12/Hoover and she said they are in great need for N95 masks, gowns, and gloves.

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PUT OUT A REQUEST FOR PPE FOR THAT HOSPITAL. "Help is on the way from Michigan supplies."

7) Don't go to the hospital unless you are very sick as our hospitals are overwhelmed with coronavirus cases. It's somewhat dangerous to go to a hospital at this time. Do work on supporting our medical personnel with any support including meals, lunch credits from a local restaurant, and support for their sacrifice and work that they do! I have arranged for a place in Warren to supply our hospital people in Warren with lunch.

Please support PRESIDENT TRUMP on his strong recommendation that we all follow guidelines indicating that you wear a mask when outside your home. And stay home for the next 2 weeks. We must follow the suggestions of our President, the CDC, and our Governor.

Thank You!

On a conference call with the White House today President Trump informed us of the various equipment being received. Such as 100,000 ventilators are on their way. He stressed that the government is working diligently to make sure all hospitals are adequately supplied.

Office 586-574-4520, Cell 586-481-0545, Home 586-573-8058.

Sincerely,

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EXHIBIT I

April 10, 2020

ALL MEDIA FOR IMMEDIATE DISTRIBUTION - CITY OF WARREN - UPDATE
FROM MAYOR FOUTS ON WARREN SANITATION EFFORTS-LAWN MOWING

Great union* employees at Sanitation & DPW makes Warren the best in the Metro area! We are the only city in this area that is still picking up everything including compost. All other surrounding cities are NOT picking up compost. What's next for these cities? Recycling? Garbage? Those surrounding cities also have private sanitation services and we do not! In Warren we invested **NINE MILLION DOLLARS** on new one man mechanized sanitation trucks and garbage carts. These adhere to social distancing and are safer for the workers since they don't have to touch the trash. So while trash pick up in other cities is languishing Warren is completing the job.

My priority is always to serve and protect our citizens and that's why I also will NOT ticket people for lawn cutting and edging. That's an essential service and without that service we would have tall weeds, rats, mice, and mosquitoes. Our neighborhoods would become blighted and blight begins blight**. Warren has one of the largest populations of senior citizens and they depend upon a lawn service as do many people with various special needs due to injury and illness. I admire and commend Governor Whitmer's effort to keep us safe by social distancing. Grass cutting is one that I most respectfully disagree with.

However, I urge Warren residents to try to get by without lawn cutting until it is absolutely necessary. At least for the next few weeks. The Governor's office responded to my lawn cutting question by saying: "No, EXCEPT IF THE SERVICE IS NECESSARY TO MAINTAIN AND IMPROVE THE SAFETY, SANITATION, AND ESSENTIAL OPERATIONS OF A RESIDENCE." My interpretation of this quote is that yes lawn cutting is an essential service! I do strongly support the Governor's efforts to keep us safe by social distancing.

*Only unionized sanitation city in the metro area with the exception of Grosse Pointe.

**That's why we will not be ticketing lawn services for grass cutting and edging. However, this does not mean we will not ticket for other services.

Office _____, Cell _____, Home _____

Sincerely,

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EXHIBIT J



April 20, 2020

Dear Residents,

This letter is to educate and update Stihl/See Coast residents about the unprecedented challenge of coronavirus (COVID-19). We recognize this is an updating time and has impacted all our lives. We value all our residents and will follow guidelines set forth from our leaders to help protect members of our community during this pandemic.

The Centers for Disease Control and Prevention (CDC) states that the best way to avoid this health issue is through prevention:

- Stay home if you are sick & avoid contact with people who are sick.
- If you must leave your apartment for essential needs, please practice social distancing by staying 6 feet apart from others.
- Cover your mouth and nose with a tissue when cough or sneeze or use the inside of your elbow.
- Wash your hands frequently with soap & water for 20 seconds if unavailable, use hand sanitizer that contains at least 60% alcohol.
- Avoid touching your eyes, nose, and mouth with unclean hands.
- Wear a cloth face cover in public. If a mask is unavailable you can wear a scarf, bandana and/or you can make your own (you could spread the virus even if you do not feel sick).
- Clean and disinfect frequently-touched surfaces.

When we expect from you is to follow the CDC guidelines, or local laws and urge you to take these extra safety measures to help prevent the spread of the virus:

- Stay in your apartment if possible and avoid contact with others.
- Avoid any gatherings in your unit or any common areas.
- Do not have visitors unless essential for food or medicine.

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- Do not congregate outside to smoke.

In addition to the above personal guidelines, we continue to implement property-level measures, including frequent cleaning, sanitizing of the corridors and all common areas throughout the community to minimize the spread of any virus.

If you have any symptoms related to the virus or feel sick with a fever, cough or difficulty breathing please isolate yourself and contact your health care provider. Many providers are providing curbside testing and you must contact your doctor for a prescription to do so. You can also call the COVID-19 helpline for a health screening at 833-559-0659.

We know many residents have questions and concerns due to the COVID-19 response within their community/building. While privacy laws prohibit any unauthorized disclosure of an individual's health information, we are working with legal counsel to provide you with information and updates as appropriate. With great understanding and empathy, we continue to make the safety, well-being, privacy, and dignity of our residents a top priority.

Most business offices are closed, but if you have IRS questions you can contact the IRS on the web at IRS.GOV or by telephone at 800-829-1090, 7 a.m. to 7 p.m. Additionally, if you need help with food assistance, please contact the office and additional resources will be provided.

If you have questions or concerns or would like to share information with management, contact the office of Stihl/See Coast at 506-758-1390.

With sincere appreciation,

Management

April 22, 2020

Dear Residents,

The Emergency Management Act gives the governor broad power to cope with danger to Michiganders from a disaster or emergency. The governor implements these powers through executive orders ("EOs"), which have the force and effect of law.

As you know, on March 10, Governor Whitmer declared a state of emergency and on April 1, declared a state of emergency and state of disaster.

On April 9, she signed EO 2020-42 to suspend all social activities until the end of April. This EO has the force and effect of law and states:

1. All individuals must stay at home.
2. All gatherings of people not part of a single household is prohibited.
3. All people who leave home must practice the social distancing measures recommended by the Centers for Disease Control and Prevention ("CDC"). See below.
4. No person shall operate a business that requires workers to leave their homes unless those workers are necessary to sustain or protect life or conduct minimum basic operations ("critical infrastructure workers").

There are limited exceptions to the stay at home rule:

1. To engage in outdoor physical activity such as walking, biking, running, cycling, kayaking, canoeing, or other similar physical activity, as well as any comparable activity for those with limited mobility.
2. To perform a job as a critical infrastructure worker.
3. To pick up medication or seek emergency medical or dental care.
4. To purchase groceries, take-out food, gasoline, needed medical supplies, and products necessary to maintain the safety, sanitation, and basic operation of their home.

Governor Whitmer stated:

"We are in this together and together . . . To win this fight, and to protect the health and safety of our state and each other, we must be just as aggressive and persistent."

EO 2020-42.

As residents, you must do your part to help fight this virus. Your Lease requires you to comply with all laws and refrain from conduct that disrupts, harasses, annoy, or endangers other tenants. See §§ 9 and 25 of your Lease.

6m35 6/1/20

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If you have questions or concerns, or would like to share information with management, please contact the office of Stihl/See Coast at 506-758-1390.

Management

